

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No.A-905-MA-2014 in/ and
CRA-AS—69-2016 of 2016
Date of decision: 28.04.2016

Jaswinder Singh

.....Applicant/ appellant

versus

Balbir Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rakesh Kumar Sharma, Advocate
for the applicant/appellant
Mr.Mohit Setia, Advocate for
Mr.Anurag Chopra, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRM-A-905-MA-2014

This is an application for grant of leave to file appeal. In view of averments made in the application, leave to appeal is granted. Application stands allowed. Registry is directed to assign the number of the appeal.

CRA-AS—69-2016 of 2016

Heard.

It comes out that vide impugned order dated 14.5.2014, learned Judicial Magistrate 1st Class, Faridabad dismissed the complaint under Section 138 of Negotiable Instruments Act, 1881 for non-appearance of the complainant or his counsel. The case was fixed for evidence of the complainant after summoning was completed.

Without commenting on merits of the case, the impugned order is set aside. The complaint is restored to its original number.

The appeal stands allowed.

Both the parties are directed to appear before the lower Court.

In pursuance to order dated 19.9.2014 of this Court, Rs.15,000/- deposited by the applicant/appellant, is ordered to be paid to the accused-respondent as costs.

28.04.2016

gk

**(Kuldip Singh)
Judge**