

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Misc.A. No.1021-MA of 2013(O&M)

Date of Decision: January 12, 2016

The Jai Shri Hari Om Co-operative, N.A.T.C. Society Limited

...Appellant

Versus

Ajay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. Whether Reporters of Local papers 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?

Present: Mr.Kulwant Singh Dhanora, Advocate,
for the applicant.

Mr.Sunil Saharan, Advocate,
for the respondent.

Naresh Kumar Sanghi, J.(Oral)

CRM-48722-2013

After hearing learned counsel for the applicant and going through the contents of the application, the same is allowed and the delay of 110 days in filing the application for grant of leave to appeal is hereby condoned.

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Prayer in this application is for grant of special leave to file the appeal.

Learned counsel contends that the applicant was busy in the election of the Municipal Council and as such, an application for exemption was moved but the same was wrongly declined and the complaint filed by the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act,

was dismissed for want of evidence.

Learned counsel for the respondent has vehemently opposed the prayer. He submits that as many as four opportunities were afforded to the applicant/complainant to lead his entire evidence but he failed to do so and as such, learned trial Court rightly dismissed the complaint for want of evidence.

There appears to be substance in the submissions made by learned counsel for the respondent/accused. Perusal of the impugned order reveals that on the third date fixed for leading evidence by the applicant/complainant, a warning was issued to lead the entire evidence and he (applicant) was cautioned that it would be the last opportunity. Despite the said circumstance, the applicant/complainant failed to lead the evidence. Learned trial Court in view of the facts and circumstances of the case, rightly dismissed the complaint for want of evidence against the respondent-accused.

No good ground for grant of special leave to file the present appeal in terms of Section 378, Cr.P.C., is made out.

Dismissed.

January 12, 2016
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(Naresh Kumar Sanghi)
Judge