

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

CRM-M-40910-2016 (O&M)

Date of decision: November 17, 2016

Vijay Singh Thakur

...Petitioner

Versus

Ramesh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 482 of Code of Criminal Procedure, petitioner has sought quashing of the impugned order(s) dated 03.08.2016 (Annexure P-1), 30.09.2016 (Annexure P-2) and 28.10.2016 (Annexure P-3) passed by SDJM, Loharu in complaint case No.136 dated 20.01.2015/13.05.2016, titled as *Ramesh vs. M/s Vision Telindia Pvt. Ltd. and another* (Annexure P-4) and all subsequent proceedings arising out of the said orders.

The contention of learned counsel for the petitioner is that initially complaint under Section 138 of Negotiable Instrument Act (for short 'Act' only) was filed in the Court of SDJM, Loharu (Haryana) and subsequently, it was transferred to the Patiala House Courts, New Delhi in view of the judgment captioned as *Dashrath Rupsingh Rathod Vs. State of Maharashtra and another* (Crl. Appeal No.2887 of 2009) but on issuance of fresh notification with regard to amendment of Act, it was re-transferred to the Court of Chief Judicial Magistrate, Bhiwani, and subsequently, entrusted the same for disposal of the Court of SDJM, Loharu. Though, the parties were present on 18th November, 2015 before

the Delhi Court and were directed to appear on 6th January, 2016 but the petitioner could not appear. Even, he was not aware about the entrustment of the case to the Court of SDJM, Loharu. Consequent upon the aforesaid facts and circumstances, SDJM, Loharu issued non-bailable warrants for securing the presence of the petitioner which necessitated the failing of the instant petition.

Instant petition is disposed of with direction to the petitioner to appear/surrender before the trial Court (SDJM, Loharu) within seven days from the date of receipt of certified copy of this order, who shall be released on bail at its satisfaction.

Since no notice is being issued to the complainant-respondent, it is made clear that in case he still feels aggrieved of the order, he shall be at liberty to approach this Court.

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No