

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

CRA-AS No.157 OF 2017 (O&M)
DATE OF DECISION : 25th SEPTEMBER, 2017

M/s Goyal Acrylon Limited

.... Appellant

Versus

M/s Ganpati Acrowools and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Parveen Gupta, Advocate for the appellant.

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A. B. CHAUDHARI, J. (ORAL)

CRM-A-1841-MA-2016

This is application for leave to appeal against the impugned judgment and order of acquittal.

Rule.

Heard forthwith.

Leave to appeal is granted.

Appeal be registered as appeal against acquittal, which is taken up for hearing today itself.

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Despite service there is no appearance on behalf of the respondent, the accused in the trial Court.

The appellant had filed a complaint under Section 138 of the Negotiable Instruments Act which was registered as Criminal Case No.3960 of 2015 in respect of dishonour of cheque in the sum of ₹2,18,750/-. The same was dismissed for want of prosecution.

Learned counsel for the appellant submits that the appellant remained present almost on all the dates but on one date namely 20.07.2016, the appellant remained absent, on which date the learned trial Court dismissed the complaint for want of prosecution.

Learned counsel for the appellant submits that the appellant is really interested in getting its case decided on merits but for the default on that particular date its complaint was dismissed. In my opinion, the case of the appellant-complainant should not be buried without the same being decided on merits. But then appellant will have to be cautious to attend the trial with promptitude to get its case decided.

In that view of the matter, I make the following order:

ORDER

- (i) CRA-AS No.157 OF 2017 is allowed.
- (ii) Impugned order dated 20.07.2016 (Annexure P- 1) passed by learned JMIC, Ludhiana, is quashed and set aside.
- (iii) Proceeding of the compliant is remitted to the trial Court for its disposal on merits. The trial Court shall hear both the parties and dispose of the same, in accordance with law.
- (iv) The appellant shall appear before the trial Court on 10/10/2017.

25th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>