

223 CRM-A-132-MA-2017

BHARAT SINGH GAURI VS KULDEEP

Present: Mr. G.C. Shahpuri, Advocate
for the applicant.

Present application under Section 378(4) Cr.P.C. is for grant of leave to file appeal against the impugned order dated 28.11.2016 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

Learned counsel for the applicant contended that the complaint under Section 138 of Negotiable Instruments Act, was filed by the applicant-complainant and he had been continuously pursuing the same before the Court below rather, accused was not appearing and as per order dated 27.09.2016, warrant of arrest against accused was ordered to be issued. Subsequently, vide the impugned order dated 28.11.2016, the present complaint was dismissed for want of prosecution. The complainant had been regularly appearing before the Court below and there was no intention on his part for non appearance before the Court. There was justified ground for non appearance of the applicant, which was beyond his control.

In view of the above, the present application is allowed. Leave granted.

Registry is directed to assign the number to the appeal and appeal be listed as per Roster.

Notice of motion for 25.04.2018.

(SHEKHER DHAWAN)
JUDGE

18.12.2017.
komal