

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-505-MA-2016 (O&M)

Date of decision: 28.07.2017

M/s Hardware Solution

..... Appellant

Versus

Mr. Vikas Lohia

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amit Kumar Jain, Advocate for the appellant.

RAMENDRA JAIN, J. (ORAL)

1. Through this application under Section 378 (4) Cr.P.C. the appellant has sought for grant of special leave to appeal against order dated 20.01.2016, whereby the complaint filed by the appellant under Section 138/142 of the Negotiable Instruments Act read with Section 420 IPC against the respondent was dismissed in default for non-prosecution and the respondent was discharged.

2. As per office report, notice issued to respondent has been received back duly served, but none has put in appearance on his behalf.

3. Heard.

4. Considering the overall facts and circumstances of the case, without commenting upon the merits of the case and the fact that the absence of the appellant only on a single date was not intentional, the impugned order dated 20.01.2016 is hereby set aside. Resultantly, the trial Court is directed to restore the complaint of the appellant at its original number and proceed further, in accordance with law, subject to payment of

5. The instant criminal miscellaneous application stands disposed of accordingly.

6. The appellant is directed to appear before the trial Court on or before 10.08.2017.

July 28, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No