

MOHIT DUDEJA VS JASWINDER SINGH KOHLI

Present: Mr. S.K. Arora, Advocate for the appellant.

Present application under Section 378(4) Cr.P.C. is for grant of leave to file appeal on the ground that the complaint filed by the applicant-complainant under Section 138 of Negotiable Instruments Act (for short, “the Act”) was dismissed in default vide impugned order dated 24.01.2017 as complainant was not present.

Learned counsel for the applicant contended that the applicant had been regularly appearing in the Court from the date he filed the complaint under Section 138 of the Act and there was no reason for him not to appear on the date fixed except the date he missed.

Heard.

For ready reference, impugned order dated 24.01.2017 passed by learned Judicial Magistrate Ist Class, Faridkot, is reproduced as under :

*“Present : None.
Accused on bail with counsel Sh. Rahneesh Garg,
Advocate .*

“Case called several times since morning and after lunch break at repeated intervals. But neither complainant nor anyone appeared on his behalf in the court. Hence the complaint is dismissed in default. File complete in all respects be consigned to the record room.”

In view of the grounds detailed in the application, the present application is allowed. Leave granted. Registry to assign number to the appeal. Appeal admitted.

Registry is directed to list the appeal as per Roster.

(SHEKHER DHAWAN)
JUDGE

25.08.2017.
komal