

CRM No. M-34212 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-34212 of 2017
Date of Decision : 14.09.2017

Ranjit Singh @ Ranjeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.G.S. Dhillon, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner is impugning order dated 08.05.2017 (Annexure P-2) passed by Judicial Magistrate Ist Class, Patiala, whereby his evidence had been closed.

Learned counsel for the petitioner contends that the petitioner had preferred a complaint under Section 138 of the Negotiable Instruments Act against respondent No. 2 and the petitioner could not appear before the trial Court on 08.05.2017. He further states that the petitioner was a student of diploma in Electrical Engineering, Patiala, Polytechnic College Rakhra and he had to re-appear in the examination for one subject, which was slated on 09.05.2017. Learned counsel for the petitioner also contends that the petitioner had also preferred an application in this regard before the trial Court but the same has been dismissed on the ground that no supporting document had been filed therewith. The petitioner has appended admit card for the examination as well as the date sheet as Annexures P-3 and P-4

respectively, which indicate that examination in the subject of Electrical Machine-II was to be held on 09.05.2017 from 1.30 p.m. to 4.30 p.m.

Heard.

In view of the limited nature of the prayer of the petitioner for granting one opportunity to complete his evidence, I do not intend to issue notice to respondent No. 2.

The petitioner is complainant in complaint under Section 138 of the Negotiable Instruments Act. His non-appearance on 08.05.2017 appears to be bona fide as he was preparing for his examination to be held on the very next day. He had also moved an application for exemption in this regard before the trial Court. Therefore, it would be in the interest of justice, if the petitioner is granted one opportunity to complete his evidence.

Consequently, the impugned order dated 08.05.2017 (Annexure P-2) is set-aside. The petitioner/complainant shall be granted one opportunity to complete his evidence subject to payment of costs of ₹2500/- to be paid in District Legal Services Authorities, Patiala.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

September 14, 2017
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<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>