

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37465-2016

Date of decision: February 15, 2017.

M/s Hitech Bulk Handling System Pvt. Ltd. And another

... **Petitioners**

v.

State of Haryana and another

... **Respondent**

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

Present: Shri B.S. Tewatia, Advocate for the petitioner.

Shri Surender Singh, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith.

Learned Counsel for the petitioner submits that the cheque amount of Rs.87,000/- in a private complaint under Section 138 of the Negotiable Instruments Act has been repaid to the complainant and there is receipt on record, which is marked 'X' for identification. He submits that he was absent on a particular date before the appellate court and the appellate court refused to grant him personal exemption and arrest warrants have been issued against him by the impugned order dated 30.8.2016. The appellate court observed that the petitioner has been habitual in remaining absent.

Without finding any fault with the appellate court, I think the petitioner should be given one more chance, particularly because he has already paid the cheque amount to the complainant which is a mitigating circumstance.

In that view of the matter, this petition is allowed. The impugned order is quashed and set aside. Petitioner to appear before the

appellate court and take further steps according to law.

February 15, 2017.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No