

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

CRM-M-45436 of 2017

Date of decision: November 29, 2017

Ashraf

.....Petitioner

Versus

Jaswant Goyal

.....Respondent

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

Present: Mohammad Arshad, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Rule is heard forthwith.

Looking into the nature of the impugned order and the present matter, I do not think any purpose for serving notice to the respondent-complainant would be served.

The trial Court imposed cost of Rs.3,000/- on the petitioner during trial. The petitioner did not pay the same as recorded in the zimni order dated 21.10.2017 as well the order dated 15.11.2017 (first para).

Counsel submits that the case was fixed for recording of the statement of the petitioner under Section 313 Cr.P.C.

The trial Court noticed in the first Session on 15.11.2017 that the cost was not paid. The petitioner requested that he would deposit the amount after lunch. The Court waited for him till 3.30 P.M. and thereafter, having found him absent after lunch and having not deposited the amount of Rs.3,000/- by way of cost, issued non-bailable warrants for his arrest.

Learned counsel for the petitioner has pointed out to me at Annexure P-4 which is a receipt of even date i.e. 15.11.2017, showing the payment of cost of Rs.3,000/-, paid by the advocate for the petitioner.

Though the learned counsel for the petitioner has made a claim that cost was paid before 3.30 P.M., it is not necessary to enter into the controversy because the receipt shows the payment of Rs.3,000/- of the same date i.e. 15.11.2017.

Looking to the nature of the main matter, which is regarding the dishonour of the cheque and consequently, the complaint under Section 138 Negotiable Instrument Act, 1881, I do not think any useful purpose would be served in pushing the petitioner behind bars.

Hence, I make the following order:-

ORDER

- (i) Impugned order dated 15.11.2017 (Annexure P-3) is set aside.
- (ii) The petitioner shall continue to attend the trial Court and shall not remain absent.
- (iii) Trial Court to proceed further according to the law.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

November 29, 2017
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No