

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 4051 of 2016
Date of Decision: 14.7.2017

M/s Radha Rama Stainless Steel Pvt. Ltd.Petitioner
v.

Rakesh Kumar SharmaRespondent

CORAM HON'BLE MR. JUSTICE (DR.) SHEKHER DHAWAN

Present:- Mr. Vikram Bali, Advocate, for the Petitioner

SHEKHER DHAWAN, J.

Present petition is directed against order dated 4.8.2016, passed by the Judicial Magistrate Ist Class, whereby complaint filed by the petitioner under Sections 406 and 420 IPC, was dismissed.

Learned counsel for the petitioner contended that on the date fixed i.e. 29.7.2016 even complainant was not present and reasonable opportunity was not given to him for pre charge evidence and as such, impugned order dated 4.8.2016 be set aside.

Having considered the submissions made by learned counsel for the petitioner and appraisal of record, this Court is of the considered view that on 29.7.2016 the complainant was supposed to come present in person in the Court and the Court considered and exempted the personal appearance of the complainant. Still there was no pre charge evidence available. The Court considered the pre charge evidence, already available on the file, which the petitioner had led during long period of about 2 years.

Accused was admitted to bail on 1.9.2016 and thereafter, case was posted for pre charge evidence.

As the petitioner failed to lead any pre charge evidence on the basis of which the court proceeded further, the Court passed the order dated 29.7.2016 closing the evidence of complainant by Court order. Thereafter, the complaint was dismissed vide the impugned order. There is no ground to set aside the impugned order. The petition being devoid of any merit, is dismissed.

14.7.2017

Ashwani

(SHEKHER DHAWAN)

JUDGE

Speaking/Reasoned	Yes/No
Reportable	Yes/No