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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 98 of 2017 (O/M)
Date of decision : 31.8.2017

Upender Yadav

..... Revisionist

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sarvjit Singh Khurana, Advocate, for revisionist.

Mr. Pawan Garg, Assistant A.G. Haryana.

Mr. Madan Sandhu, Advocate, for,
Mr. J.P. Ahlawat, Advocate,
for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

From the impugned judgment dated 17.11.2016, passed by the learned Additional Sessions Judge, Rewari, in case titled as Upender Yadav Versus State of Haryana and another, it comes that an appeal against conviction and sentence awarded under Section 138 of the Negotiable Instruments Act, 1881, was pending before him, in which accused-appellant (revisionist herein) was not appearing and seeking exemptions and ultimately became absent. In place of issuing warrants of arrest and securing his presence, the learned Additional Sessions Judge, Rewari, took the view that accused is no more interested in pursuing the appeal. Hence, the appeal was dismissed for want of prosecution.

I am of the view that the impugned judgment dated 17.11.2016,

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passed by the learned Additional Sessions Judge, Rewari, is patently illegal. After the accused-appellant did not appear, the learned Additional Sessions Judge, Rewari, should have issued warrants of arrest to secure his presence. However, the appeal was dismissed for want of prosecution. Hence, the impugned judgment dated 17.11.2016 is set aside. The case is remanded back to the Court of the learned Additional Sessions Judge, Rewari, with a direction that the same be decided on merits. If the accused-appellant does not appear without any just cause, let warrants of arrest be issued to secure his presence.

The learned counsel for revisionist states that revisionist will not default in appearance before the lower appellate Court.

Let revisionist as well as complainant Jitender Saini (respondent No. 2 herein) put in appearance before the Court of the learned Additional Sessions Judge, Rewari, on 28.9.2017, at 10:00 AM.

(KULDIP SINGH)
JUDGE

31.8.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No