

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1898-MA of 2018 (O&M)

DATE OF DECISION: NOVEMBER 20, 2018

INDERJIT SINGH

...PETITIONER

VERSUS

BALJIT KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ARJUN VEER SHARMA, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

CRM-31883-2018

For the reasons mentioned in the application, the delay of 125 days in filing the appeal is condoned.

CRM-A-1898-MA of 2018

Inderjit Singh, complainant has moved this application against the order dated 29.1.2018 whereby the Judicial Magistrate 1st Class, Ludhiana, has proceeded to dismiss the complaint for want of deposit of process fee.

The complaint was brought by the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and after considering pre-summoning evidence, the Court issued summons vide its order dated 7.10.2017. Somehow the petitioner failed to deposit the process fee. Another opportunity was granted vide order dated 1.12.2017. However, the compliance was not done and the Court proceeded to pass extreme order to

dismiss the complaint on 29.1.2018.

The presence of the counsel for the complainant is recorded, however, in the order, it is noticed that no one is present on behalf of the complainant. It appears that the Court has passed the order in haste. Since the accused had not appeared so far, therefore, there is no necessity to issue notice to him at this stage. Besides, the order passed by the Judicial Magistrate is revisable and therefore, this Court deems it appropriate to exercise the revisional jurisdiction, as the impugned order dated 29.1.2018 suffers from illegality and impropriety. The same is set aside. The complaint is restored to its original number. The complainant shall deposit the process fee within a week from the date of receipt of certified copy of this order to facilitate the issuance of process.

Petition stands disposed off.

November 20, 2018
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No