

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

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**CRM-A-2147-MA-2018.
Date of Decision: 10.12.2018.**

Naresh Ahuja

....Applicant.

Versus

Pankaj Kohli

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. B.S. Tewatia, Advocate for the applicant.

Shekher Dhawan, J.

Present application under Section 378(4) Cr.P.C. is for grant of leave to file appeal against the order dated 02.08.2018 passed by Judicial Magistrate Ist Class, Faridabad, whereby the complaint, filed by the applicant under Section 138 of Negotiable Instruments Act (for short, “the Act”) read with Section 420 of the Indian Penal Code (for short, 'IPC'), was dismissed for want of prosecution and the accused was acquitted from the charges levelled against him.

Heard.

In view of the grounds mentioned in the application, the same is allowed. Leave granted.

Registry is directed to assign the number to the appeal.

Main Appeal

Learned counsel for the appellant contended that the complaint was filed on 01.01.2017 under Section 138 of the Act read with Section 420

IPC and the appellant, being the complainant, has been regularly appearing and attending to the Court proceedings except on 02.08.2018. On that date, there was some mishappening in the family and, as such, the appellant-complainant could not appear before the trial Court.

In view of the grounds mentioned in the appeal and the submissions made by learned counsel representing the appellant-complainant, the order dated 02.08.2018 passed by learned Judicial Magistrate Ist Class, Faridabad is set aside and the present appeal is accepted. The complaint is ordered to be restored at its original number. The learned trial Judge is directed to take the complaint on record and proceed further from the proceedings which was pending on 02.08.2018 after issuing notice to the accused. The appellant-complainant shall be appearing before learned trial Judge on 23.01.2019.

(SHEKHER DHAWAN)
JUDGE

10.12.2018

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No