

(217) CRM-A-2195-MA of 2017 (O&M)

Dalbir Singh Vs. Surinder Singh

Present:- Mr. Anil Kumar Garg, Advocate for the applicant.

CRM No.31781 of 2017

For the reasons mentioned in the application, delay of 60 days in filing the accompanying application for grant of leave to appeal is condoned.

Disposed of.

CRM-A-2195-MA of 2017

Through this application under Section 378 (4) Cr.P.C, prayer has been made for grant of special leave to appeal against the order dated 10.04.2017 passed by learned Judicial Magistrate 1st Class, Ludhiana, dismissing the complaint of the applicant in default.

In nutshell, a complaint under Section 138 of the Negotiable Instruments Act of the applicant against the respondent was dismissed in default on 10.04.2017.

According to learned counsel for the applicant, there is only single default of the applicant of his non-appearance. Therefore, the impugned order is illegal.

Having given considerable thought to the submission made by learned counsel for the applicant, this Court finds it a fit case to grant leave to file appeal, subject to payment of costs of Rs.5000/- to be deposited by the applicant with the Punjab State Legal Services Authority. In case of non-deposit of the above costs, the application seeking permission to file appeal shall stand dismissed without making any reference to this Bench.

Notice of motion in the main appeal for 30.08.2018.

To secure the presence of respondent-accused, bailable warrants be issued for the date fixed.

(RAMENDRA JAIN)
JUDGE

July 03, 2018
Ishwar