

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19564-2018

Date of decision : 9.5.2018

Balbir Singh

... Petitioner

VERSUS

State of Punjab and others

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 Code of Criminal Procedure seeking direction to get service effected on respondent No.4 in complaint case No.58 dated 29.8.2012 under Section 138 of Negotiable Instruments Act titled as Balbir Singh v. Rajnish Gautam pending in the Court of Judicial Magistrate, Fatehgarh Sahib.

A complaint was filed by the present petitioner under Section 138 of Negotiable Instruments Act against Rajnish Gautam respondent No.4 wherein he was summoned but he did not appear and ultimately, he was declared proclaimed offender.

Learned trial Court recorded evidence under Section 299 of Code of Criminal Procedure and wound up proceedings vide order dated 18.2.2014 as under : -

“Present : Complainant with counsel Sh. SC Jhanji, Adv.

Proclamation by way of publication has already been effected on 10.01.2014. The accused has not put up appearance despite lapse of statutory period of 30 days. He is

accordingly declared a proclaimed absconder. Necessary intimation in this regard be sent to the concerned police quarter.

Further the complainant has suffered a statement to the effect that the affidavit and documents already tendered by him in preliminary evidence be read as evidence under Section 299 of CrPC. He has closed his evidence under Section 299 CrPC. Accordingly, file is ordered to be consigned to record room, to be retrieved as and when the accused surrenders or is arrested and produce before this Court.

The instant petition has been filed under Section 482 Cr.P.C., seeking direction to the State to effect service of said respondent effected in the complaint case. From the perusal of the order dated 18.2.2014, it appears that service on the respondent has already been effected though he did not appear and subsequently declared proclaimed offender and proceedings under Section 299 Cr.P.C. have already been concluded.

Therefore, no case is made out to issue directions to the State.

Dismissed.

May 9, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No