

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-AS-137-2017 and
CRR-3760-2018 (O&M)
Date of decision: 14.11.2018

M/s Shakti Timbers and Plywood

.....Appellant

versus

M/s Vasu Infrastructure and another

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr.S.K.Tripathi, Advocate for the appellant
Mr.Vishal Garg Narwana, Advocate for the respondents

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRA-AS-137-2017

Heard.

Complaint under Section 138 of Negotiable Instruments Act, 1881 filed by the appellant was dismissed at preliminary stage when he failed to appear on 8.12.2016. At that time, accused was summoned but he had not put in appearance.

Objection of learned counsel for respondent -accused is that since there is no acquittal in this case, therefore, revision lies. In that case, present appeal can be treated as revision and can be decided to avoid any further delay and injustice to any of the parties.

The Registry is directed to treat this appeal as Criminal Revision and number the same accordingly.

CRR-3760-2018 (O&M)

Interest of justice requires that the matter should be decided on merits. As such, the impugned order dated 8.12.2016 passed by learned Judicial Magistrate First Class, Gurgaon is set aside. Complaint is restored to its original number and is directed to be decided in accordance with law. However, the complainant shall pay Rs.10,000/- as costs to the accused.

The present revision is allowed accordingly.

14.11.2018

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No