

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

**CRM-A-306-MA-2015 in/and
CRA-AS-673-2018 (O&M)
Date of decision:13.12.2018**

Rachhpal Impex Pvt. Ltd.

.....Applicant-appellant

versus

Amarjit Singh

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Amandeep Singh, Advocate for the applicant-appellant.

Kuldip Singh, J. (Oral)

CRM-5657-2015

Heard.

Delay of 111 days in filing the appeal is condoned.

CRM-A-306-MA-2015

Leave to appeal is granted.

Registry is directed to assign the number of the appeals.

CRA-AS-673-2018

Impugned appeal has been filed against the order dated 11.08.2014, passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which for non-appearance of the complainant for recording preliminary evidence, his complaint was dismissed.

As in this case accused was not appearing, there is no need to issue notice to the accused. From the impugned order, it comes out that after filing

of the complaint, on the first date of hearing when the case was fixed for recording preliminary evidence, the complainant got his personal appearance exempted on the ground of viral fever. On the second date, he was not present at all. Therefore the complaint was dismissed.

Learned counsel for the appellant states that the complainant was ill therefore he could not appear. Counsel further ensures that the complainant will appear before the trial Court and get his preliminary evidence recorded and in future, he will not seek exemption from personal appearance.

Considering that the appellant wants to pursue his complaint on merits, the impugned order dated 11.08.2014, passed by learned Judicial Magistrate Ist Class, Ludhiana is set aside. The complaint is restored subject to deposit of Rs.10,000/- towards the District Legal Aid Fund, Ludhiana.

CRA-AS-673-2018 is accordingly allowed.

**(KULDIP SINGH)
JUDGE**

13.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No