

**CRM-A-2548-MA-2018 in/and
CRA-AS-13-2019**

1

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

**CRM-A-2548-MA-2018 in/and
CRA-AS-13-2019
Date of decision:15.01.2019**

Kanta Devi

.....Applicant-appellant

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr.P.K.S. Phoolka, Advocate for the applicant-appellant.

Kuldip Singh, J. (Oral)

CRM-A-2548-MA-2018

Heard.

Leave to appeal granted.

Registry is directed to assign the number of the appeal.

CRA-AS-13-2019

The complaint No.1710-17 under Section 138 of Negotiable Instrument Act read with Section 420 IPC filed by the appellant was dismissed under Sections 204(4) and 256 Cr.P.C. on account of non-appearance of the complainant (here appellant). At that stage, accused had not put in appearance. The trial Court observed that the complainant had failed to appear, therefore complaint is dismissed under Sections 204(4) and 256 Cr.P.C.

Learned counsel for the appellant contends that the absence was

un-intentional. The appellant is interested in pursuing the matter. The cheque amount is more than Rs. Three lacs. It is observed that under Section 256 Cr.P.C., though the Court could dismiss the complaint but for some reason Court could adjourn the hearing and just for one default, complaint should not have been dismissed. As such, the complaint No.1710-17 under Section 138 of Negotiable Instrument Act read with Section 420 IPC is restored. Impugned order dated 21-08-2018, passed by learned Judicial Magistrate Ist Class, Bathinda, is set aside, subject to payment of Rs.5,000/- towards District Legal Aid Fund, Bathinda.

Appeal is accordingly allowed.

**(KULDIP SINGH)
JUDGE**

15.01.2019
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No