

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

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**CRM-M-24786-2010 (O&M)
Date of Decision: 11.09.2019**

Dr. Sanjeev Gupta

....Petitioner.

Versus

Dr. S.S. Kulkarni

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. M.S. Saini, Advocate for
Mr. Amar Vivek, Advocate for the petitioner.

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. is for setting aside and quashing of order dated 14.05.2010 passed by learned Additional Chief Judicial Magistrate, Faridabad, dismissing the complaint case No.543/16.10.2007, filed by the petitioner, under Section 138 of the Negotiable Instruments Act, on account of default in appearance.

Learned counsel for the petitioner contended that it was a case of single default on part of the petitioner and the respondent has not yet put in appearance despite service. On 14.05.2010, the petitioner had not put in appearance as counsel for the petitioner mistook the date of appearance before the Court. Otherwise, there is no reason for the petitioner for non appearance before the Court and pursue with the complaint under Section 138 of the N.I. Act, which was based upon issuance of cheque of Rs.

Heard.

Having considered the submissions made by learned counsel for the petitioner, the present petition is accepted and order dated 14.05.2010 stands set aside. Learned trial Judge shall restore the complaint at its original number and stage and proceed as per law.

Let, the petitioner appear before the concerned Court on 30.09.2019.

(SHEKHER DHAWAN)
JUDGE

11.09.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No