

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

CRM-M-29460-2016 (O&M)

Date of decision:09.01.2019

**Maharashtra Power Transmission Structure Private Limited and
others**

.....Petitioners

versus

Fortune Metaliks Limited

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Bhupinder Kumar Gupta, Advocate for
Mr. Gursimran Singh, Advocate for the petitioners.

Mr. Nandan Jindal, Advocate for the respondent.

Kuldip Singh, J. (Oral)

The petitioner has challenged the order dated 11.07.2016 (Annexure P-17), passed by Learned Judicial Magistrate Ist Class, Ludhiana, vide which the petitioners have declared as proclaimed persons in Complaint Dated 19.11.2012 (Annexure P-1) under Section 138 of the Negotiable Instruments Act titled as "Fortune Metalliks Ltd. vs. Maharashtra Power Transmission".

I have gone through the file carefully.

It comes out that in the complaint, the personal appearance of the petitioners was exempted but they never appeared. They were in fact appeared through counsel. However, the Court in the interest of justice and considering that the accused have stopped paying the installments in terms

of the compromise. They did not appear and ultimately the Court issued non-bailable warrants against them, thereafter Proclamation was published in the Newspaper "Times of India" and declared them proclaimed persons on 11.07.2016.

The petitioners are directed to appear before the trial Court within seven days and move application for grant of regular bail. If the petitioners surrender before the trial Court within seven days and move application for grant of regular bail, the same shall be decided on the same day after giving notice to opposite counsel. However, considering that the petitioners after entering into compromise, failed to make the payment of installments, they will have to appear in person on each and every date of hearing and their personal appearance will not be exempted. If the petitioners fail to surrender before the trial Court within seven days, their present petition will stand dismissed.

Accordingly petition is disposed of.

(KULDIP SINGH)
JUDGE

09.01.2019
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No