

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

CRM-M-37942-2017 (O&M)

Date of decision : 13.11.2019

Krishan Kumar

...Petitioner

Versus

Raj @ Raju and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Mehta, Advocate for the petitioner.

Mr. Raj Kumar, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Challenge is to the order passed by the learned Judicial Magistrate Ist Class, Narnaul dismissing criminal complaint under Sections 323, 324, 325, 452, 506, 34 of the Indian Penal Code for non-prosecution on the ground that the petitioner has failed to appear on the date fixed and supply copies of the complaint and also failed to pay the cost so imposed.

Learned counsel for the petitioner contends that the Court decided to issue process vide order dated 18.12.2015 and the case was adjourned to 29.01.2016. On that day, the Court passed following order:-

“Notice to accused could not be issued for want of copy of plaint etc same be filed within three days and then the notice to accused be issued for 17.3.2016, subject to payment of Rs.500/- as cost to be deposited in Legal Aid Authority.”

He further submitted that the counsel appearing for the

petitioner informed the petitioner that next date of hearing is 17.05.2016 instead of 17.03.2016 on which date the impugned order was passed.

He further submits that the petitioner immediately on coming to know of the aforesaid, filed an application before the trial Court on 23.05.2016 which was dismissed as not maintainable vide order dated 27.03.2017.

Keeping in view the facts of the case and the contention of learned counsel for the petitioner, it is considered appropriate to restore the complaint to its original number while setting aside the order dated 27.03.2017 (Annexure P-3), subject to payment of costs of ₹1000/- to be deposited with the Haryana Legal Services Authority.

The petitioner shall deposit the necessary process fee alongwith requisite copies of the criminal complaint within 10 days of appearance in the Court. Petitioner is directed to appear before the Court of Judicial Magistrate on 03.12.2019.

In view of what has been observed above, the present petition is disposed of.

13.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No