

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-395-2017 (O&M)

Date of Decision: 13.11.2019

Rinku Nath

.. Petitioner

Vs.

Jermal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Jain, Advocate for the petitioner.

None for the respondent.

...

Manoj Bajaj, J.

Petitioner (accused) has filed this revision petition to challenge the order dated 15.12.2016, whereby the order dated 23.09.2015 passed by the trial Court, dismissing the criminal complaint in default was set aside and restored the complaint to its original number for further proceedings. The order arises from a complaint brought by the respondent under Section 138 Negotiable Instruments Act, 1881 titled as Jermal Sngh Vs. Rinku Nath.

Learned counsel for the petitioner submits that the order dated 23.09.2015 passed by the trial Court, dismissing the complaint in default amounts to acquittal and, therefore, the revision petition was not maintainable before the Court of Session. He submits that learned Addl. Sessions Judge, Patiala fell into serious error of law in entertaining the petition and allowing the same.

During the course of hearing, it is not disputed that the impugned order was passed on 15.12.2016 and the operation of the said order was not stayed. Learned counsel for the petitioner is unable to apprise

the Court about the stage of the trial proceedings.

Considering the nature of the offence, which is summarily triable, this Court is not inclined to address the issues raised by the petitioner in the present case as the proceedings of the trial must be at an advanced stage.

In view of the above, no ground is made out for interference.

The petition is dismissed.

13.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No