

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139

CRM-M-45024-2019

Date of decision: 22.10.2019

Sarvesh Mishra

....Petitioner

versus

M/s Ind. Swift Ltd.

....Respondent

CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 20.01.2018 (Annexure P-4), whereby, the petitioner has been declared as proclaimed person. A complaint No.30860 dated 28.05.2013 titled as “M/s Ind Swift versus Shree Shivam Agencies” (Annexure P-1) under Section 138 of Negotiable Instrument Act, was filed against the petitioner in the Court of learned Judicial Magistrate Ist Class, Chandigarh, in which, the petitioner was summoned vide order dated 27.07.2013 (Annexure P-2). In view of the judgment of the Hon'ble Supreme Court in “**Dashrath Rupsingh Ratho vs. State of Maharashtra and another**” in Criminal Appeal No.2287 of 2009 decided on **01.08.2014**, the complaint was returned for filing in the proper Court of territorial jurisdiction vide order dated 05.09.2014.

Later, amendments were made in the Negotiable Instruments Act

on 15.06.2016 vide which, new Section 142(A) was inserted. In view of the amendments, the complainant filed an application for revival of the complaint which was restored vide order dated 10.08.2017 and the petitioner was ordered to be summoned through non-bailable warrants.

It is the contention of the petitioner that though the said non-bailable warrants were never executed upon the petitioner, yet he was declared proclaimed person vide order dated 21.01.2018. Learned counsel for the petitioner states that the petitioner had no knowledge of the proceedings in the said complaint. It was never his intention to avoid the process of Court. The petitioner is willing to surrender before the trial Court and face the trial.

Having considered the facts and circumstances, it is ordered that the petitioner may appear before the trial Court on or before 11.11.2019 or any other date convenient to the trial Court. On his doing so, trial Court shall release him on bail to its satisfaction. He shall continue to attend the Court on every date of hearing without any default.

Petition stands disposed of accordingly.

(HARINDER SINGH SIDHU)
JUDGE

22.10.2019

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Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes/No