

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-143-2020

Date of Decision:08.01.2020

Srishti Agarwal

.....Petitioner

Versus

Siddartha Gupta

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Divjyot S. Sandhu, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner-Srishti Agarwal has filed the present petition under Section 482 Cr.P.C. for setting aside the order dated 30.10.2019 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Dera Bassi, whereby petition filed by the petitioner under Section 125 Cr.P.C., was dismissed in default as no one had put in appearance on her behalf before the trial Court on the relevant date.

Learned counsel for the petitioner submits that it is on account of noting a wrong date, counsel for the petitioner could not put in appearance before the learned Magistrate on 30.10.2019.

When learned counsel for the petitioner is put a question as regards maintainability of the present petition against the impugned order dated 30.10.2019, whereby petition under Section 125 Cr.P.C. was dismissed in default, he is fair enough to submit that the order dated

30.10.2019(Annexure P-4) can be challenged by way of revision petition

before learned Sessions Judge. However, he submits that at this stage, in case the petitioner is relegated to the remedy of revision against the impugned order dated 30.10.2019(Annexure P-4), limitation will come in her way.

Heard learned counsel for the petitioner.

Considering the fact that against the impugned order dated 30.10.2019, petitioner has a remedy available under the law, the present petition is disposed of at this stage with a direction that in case the petitioner files a revision petition against the impugned order dated 30.10.2019(Annexure P-4) within a period of two weeks from today before learned Sessions Judge/Additional Sessions Judge, the same would not be non-suited merely on the ground of limitation.

January 08, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No