

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

**CRM-A-1345-MA-2017 (O&M)
Date of Decision : 05.02.2020**

Pardeep Kaltagedia Applicant
Versus

Baljinder Singh Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. R.S.Mamli, Advocate
for the applicant.

None for the respondent.

RAMENDRA JAIN, J. (Oral)

Through this application under Section 378(4) Cr.P.C., prayer has been made for grant of leave to file appeal against order dated 14.03.2017, of trial Court, whereby complaint under Section 138 of the Negotiable Instruments Act, 1881, filed by applicant was dismissed in default for want of prosecution.

Learned counsel contends that observation of the trial court that on earlier four occasions, similar application for exemption from his personal presence was filed by applicant and that it seems that he was not interested in pursuing his petition, is illegal, inasmuch as, earlier exemption from personal presence of the applicant was sought on account of his going under depression. The applicant even without disclosing to his parents left for a undisclosed place and was finally found at Ahmedabad.

Despite service of this application to the respondent, he

has chosen not to contest this appeal.

Heard.

Considering overall facts and circumstances of the case, impugned order dated 14.03.2017, is set aside subject to deposit of Rs.5,000/- as costs with the District Legal Services Authority, Kurukshetra. Trial Court is directed to proceed further with the complaint of the applicant after procuring presence of respondent, in accordance with law, by restoring the same to its original number. Applicant is directed to appear before the trial Court on 24.02.2020.

The instant Criminal Miscellaneous Application, stands disposed of, accordingly.

05.02.2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

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