

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

CRM-M-18523-2020

Date of Decision : July 13, 2020

Pravin Kumar

..... PETITIONER(S)

VERSUS

Ravinder Singh

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. D.K. Yati, Advocate, for the petitioner.
...

Sanjay Kumar, J.

By way of this petition filed under Section 482 Cr.P.C. the petitioner assails the orders dated 09.01.2020, 29.02.2020, 15.04.2020 and the earlier order dated 05.10.2016 passed by the learned Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Hoshiarpur. These orders came to be passed in the pending Case No. 494/2016/NACT instituted by the respondent herein.

It seems that the petitioner did not appear before the learned Magistrate leading to a proclamation being issued under Section 82 Cr.P.C. The order dated 09.01.2020 states to this effect. On 29.02.2020, the learned Magistrate again directed a fresh proclamation to be issued for 30.04.2020. However, on 15.04.2020, the learned Magistrate took note of the instructions

issued by this Court in view of the Covid-19 Pandemic and adjourned the case

to 30.05.2020. No information is forthcoming from Mr.D.K. Yati, learned counsel for the petitioner, as to what happened on 30.05.2020.

In any event, it is clear that the petitioner has not even been declared a proclaimed person and no steps have been initiated thereafter under the provisions of the Code. In the absence of any such process having been issued against the petitioner as on date, no cause is made out for this Court to interfere. It would therefore be open to him to file an appropriate application before the learned Magistrate or appear in person on the date fixed and explain the reasons as to why he could not appear earlier. Be it noted that no steps were taken by the petitioner under Section 70(2) Cr.P.C. to recall any warrant of arrest issued against him and no mention is made in this petition of any such warrant.

The petition is accordingly dismissed leaving it open to the petitioner to take appropriate steps before the learned Magistrate in accordance with law.

July 13, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No