

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-18507-2020

Date of Decision : July 13, 2020

Vinod Kumar

..... PETITIONER(S)

VERSUS

Abhi Agencies

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Vineet Sehgal, Advocate, for the petitioner.

...

Sanjay Kumar, J.

By way of this petition filed under Section 482 Cr.P.C. the petitioner seeks to assail the order dated 15.01.2020 passed by the learned Judicial Magistrate First Class, Chandigarh, in relation to the complaint filed by the respondent herein under Section 138 of the Negotiable Instruments Act, 1881. It appears that a proclamation was issued against the petitioner under Section 82(1) Cr.P.C. and by the order dated 15.01.2020, the learned Magistrate recorded that the petitioner was absconding and declared him a proclaimed person. Mr. Vineet Sehgal, learned counsel for the petitioner, would inform this Court that the list of properties of the petitioner was also furnished to the learned Magistrate thereafter, leading to an attachment order being passed.

GURSHARAN SINGH KANG
2020.07.13 17:13
I attest to the accuracy and
integrity of this document

The petitioner claims that he failed to appear before the learned

Magistrate due to the fact that his address was shown wrongly and in consequence, he had no knowledge of the proceedings.

It is however to be noticed that Section 85(3) Cr.P.C. provides an efficacious remedy to the petitioner and it is always open to him to approach the learned Magistrate thereunder to seek recall of the declaration and the consequential attachment. 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.

Granting liberty to the petitioner to do so, the petition is dismissed.

July 13, 2020
Kang

(Sanjay Kumar)
Judge

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