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

CRM-M No.13548-2017
Reserved on 19.5 2022
Pronounced on: July 18, 2022

Juki India Pvt. Ltd. .....Petitioner

Vs.

Parminder Singh and another .....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravi Kapur, Advocate for the petitioner

None for respondent No.1.

Mr. Naveen Bawa, Advocate for respondent No.2.

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ANOOP CHITKARA J.

Criminal Complaint	No. 416 of 2015 under Sections 381, 408, 420, 463, 467, 468, 471 & 120B IPC Titled as Juki India Pvt. Ltd. Vs. Parminder Singh and another Decided on 07.02.2017

Feeling aggrieved by the trial court's order, dismissing the complaint triable as a warrant case in default due to the complainant's non-appearance, the complaint has come up before this Court under Section 482 CrPC for its restoration.

2. A perusal of the impugned order dated 7-2-2017, passed by Ld. JMIC, reveals that despite waiting till the end of the court hours, the complainant failed to appear, and the court proceeded to dismiss the complaint in default by presuming that the complaint was not interested to purse it.

3. The explanation offered by the complainant in paragraphs of this petition is that the matter was listed on 5-1-2017, which was declared a holiday. After that, the complainant waited to get notice about the next date, but it was never received. By the time, the complainant's counsel enquired from the court staff about the matter, it had already been dismissed in default.

4. Despite service, the accused respondents did not choose to file any reply to rebut such statement and preferred to argue the matter on legal grounds.

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5. Once the previous date of listing was declared an unscheduled holiday, the concerned Magistrate should have waited for at least one more day, or the court's staff could have sent a message to the complainant's counsel through the Bar President or Secretary of the concerned Bar Association. There was no such urgency to rush with the matter.

In the given facts and circumstances peculiar to this case, I am satisfied by the explanation offered for non-appearance, and as such, on this ground alone, the impugned order is set aside.

6. Considering the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and set aside the impugned order and order the restoration of the case.

Petition allowed in the terms mentioned above.All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

July 18, 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No**.

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