

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

**CRM-A-747-2020
DECIDED ON: 27.09.2022**

M/S HIT AGRO SEEDS COMPANY

.....APPLICANT

VERSUS

GURJIT SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Parveen Kumar Garg, Advocate
for the applicant.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the applicant contends that vide order dated 22.01.2020 passed by learned Judicial Magistrate, 1st Class, Sunam, District Sangrur, the complaint under Section 138 of the Negotiable Instruments Act, 1881 has been dismissed for want of prosecution on account of non-appearance on behalf of the complainant. He further contends that such non-appearance was neither intentional nor deliberate. It has been averred by the counsel for the applicant that on 22.01.2020, the complainant got stuck with one of his close family relation, who was ill and he had informed the same to his counsel, on which his counsel assured him that he will look after the case and will do the needful in furtherance of the case. After attending the Court proceedings, counsel for the complainant informed him that the case was adjourned to 23.01.2020 and on 23.01.2020, the counsel for the complainant informed him that the case has already been taken up and the same stands dismissed for non-prosecution on 22.01.2020.

Mr. Arihant Jain, Advocate has put in appearance on behalf of the respondent and has filed Power of Attorney, who fairly submits that he has no objection, if the impugned order dated 22.01.2020 is set aside and the case is remanded back to the Court below for fresh decision. Particularly in view of the fact that the complainant has already closed his evidence.

Learned trial Court is directed to complete the trial as early as possible.

Disposed of accordingly with the aforesaid direction.

27.09.2022

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>