

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

**CRM-M-33197-2019 (O&M)
DECIDED ON: 31st OCTOBER, 2022**

M/S MONIKA GARMENTS

.....PETITIONER

VERSUS

M/S PARDEEP HOSIERY WORKS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amandeep Singh, Advocate, for the petitioner.

Ms. Rajni Rohilla, Advocate for
Mr. Sanjeev Goyal, Advocate
for the respondent.

SANDEEP MOUDGIL, J (ORAL)

Prayer in the present petition is for quashing of order dated 14.07.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Ludhiana in a complaint case bearing No. COMP/2159/2014 dated 31.03.2014 whereby the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner contends that earlier the matter was being tried by the trial Court at Ludhiana but subsequently in view of an ordinance passed by the Government of India by amending Section 142 of the Negotiable Instrument Act, by which the jurisdiction to file a complaint was the place where the drawer maintains the account, as such the case transferred to the Court of Judicial Magistrate, Nahan, District Sirmaur, (HP).

The petitioner was continuously appearing before the concerned Court at Nahan. Again an ordinance was passed by the Government of India by amending Section 142 of Negotiable Act by which

jurisdiction to file a complaint was the place where the drawee maintains the account, as such the complaint was again transferred to the Court of JMIC, Ludhiana.

Under these circumstances and due to some mis-communication gap with the lawyer of the petitioner, he could not appear before the Court at Ludhiana. No notice whatsoever was served upon the petitioner. Even publication was done in an attempt to serve the petitioner is also pertaining to a newspaper which is not in much circulation in the area where the petitioner resides.

Counsel appearing for respondent No.2 submits that there is no contest to the afore-said facts, which are actually admitted on record being part of judicial file.

In view of discussions made hereinabove, this Court is of the considered view that no prejudice would be caused to the respondent in case the afore-said complaint would be adjudicated in accordance with law by affording opportunity of hearing to both the parties.

The order dated 14.07.2017 (Annexure P-3) is set aside and the petitioner is directed to surrender before the trial Court on 10.11.2022 and thereafter may apply for bail. In case any application for grant of bail is filed by the petitioner, the same shall be considered and disposed of on the same day in accordance with law.

In the afore-said terms, the present petition is disposed of.

SANDEEP MOUDGIL
JUDGE

31st OCTOBER, 2022.

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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |