

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CRM-M-50110-2022

Date of decision: - 29.10.2022

Sinder Pal Singh

...Petitioner

Versus

Gurdas Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Deepak Goyal, Advocate,
and Ms. Aloka Sharma, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. with a prayer for issuance of necessary directions to the Additional Sessions Judge, Patiala to decide the Criminal Appeal No.176/2020 titled as Gurdas Singh Vs. Sinder Pal Singh (Annexure P-2) in complaint bearing No.COMA-4212 of 2016 titled as Sinder Pal Singh Vs. Gurdas Singh, decided on 11.02.2022, in a time bound manner.

Learned counsel for the petitioner has submitted that the petitioner had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 and vide judgment dated 11.02.2020, respondent No.1 was convicted and was awarded rigorous imprisonment for a period of one year and was ordered to pay compensation equivalent to the cheque amount of Rs.1,80,000/- along with simple interest @ 9% p.a

from the date of realization and in case of default of compensation, to undergo simple imprisonment for period of three months. It is further submitted that against the said order, an appeal has been filed and respondent No.1 is seeking adjournments on one pretext or another and lingering the matter and in support of his submissions, he has made a specific reference to the zimni orders.

This Court has heard learned counsel for the petitioner and has gone through the paper-book.

On 15.02.2021, the appellant (respondent No.1 herein) had sought exemption from personal appearance. Again 23.08.2021, proxy counsel for the appellant had requested for an adjournment on the ground that regular counsel for the appellant was not available. On 28.10.2021, an application for exemption from personal appearance of respondent No.1 had been filed. On 03.02.2022, another application for personal exemption was filed by the appellant and on 02.03.2022 as well as 12.04.2022, adjournments were sought on behalf of appellant. Although, on 04.05.2022 the matter was fixed for arguments, but counsel for the appellant had stated that he wanted to compromise the matter. It has been stated by learned counsel for the petitioner that the case was again adjourned on 25.07.2022 on account of the fact that an application for exemption from personal appearance of the appellant was filed and now the case is stated to be fixed for 01.11.2022 for arguments.

Keeping in view the aforesaid facts and circumstances, this Court deems it appropriate to dispose of the present petition with a direction to the Additional Sessions Judge, Patiala to decide the

CRA/176/2020 titled as “Gurdas Singh Vs. Sinder Pal Singh” as expeditiously as possible, preferably within a period of six weeks from 01.11.2022.

Counsel for the complainant as well as the appellant and all the concerned parties are directed to fully assist the Court in the expeditious disposal of the said appeal.

No notice is being issued to respondent No.1, inasmuch as, the order which has been passed by this Court is not prejudicial to respondent No.1 and issuance of notice would delay the matter and would also require respondent No.1 to entail expenses in order to appear in the present case.

Disposed of in view of above terms.

October 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No