

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

246

CRM-M-11773-2020
Decided on: 17.05.2023

Mohinder Kaur

.....Petitioner

Vs.

Shinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.L. Chander Shekhar, Advocate
for the petitioner.

ANOOP CHITKARA J.

Complaint Case No.NACT 8050/2017 dated 30/31.10.2017 titled as Shinder Singh vs. Mohinder Kaur filed under Section 138 of Negotiable Instrument Act

Seeking quashing of proclamation order dated 16.10.2019 (Annexure P-4), the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. Ld. Counsel for the petitioner contends that the non-appearance was because of wrong address, and thus, was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control. He further submits that petitioner is appearing before the trial Court pursuant to order dated 20.03.2020 passed by this Court without any lapse.

3. In para 6, the petitioner mentioned the reasons of non-appearance.

4. Given the above, the petitioner has made a case on the preponderance of probability that neither any sincere attempt was made to execute the warrants nor did the petitioner have any knowledge about appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of CrPC.

5. Consequently, the impugned order of proclamation dated order dated 16.10.2019,

passed by Id. JMIC Amritsar, in this matter is set aside.

Petition allowed in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.05.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**