

2023:PHHC:058112

CRM-M-20276 of 2023
Date of Decision: April 25, 2023

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Petitioner is aggrieved by the order dated 10.01.2023 (Annexure P.4) passed by learned Judicial Magistrate Ist Class, Faridabad whereby complaint No.9902 of 2018 titled “M/s Nutech Concrete Vs. M/s Gaumzi Construction Company and another”, under Section 138 of the Negotiable Instruments Act was dismissed in default for want of prosecution under Section 256(1) Cr.P.C.

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I attest to the accuracy and
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dismissed for want of prosecution.

3. The impugned order is apparently wrong and appears to have been passed in hurry. Once the Court had directed to serve Court notice to the complainant/ his counsel and the said notice was not received back served or unserved, the Court was not justified to dismiss the complaint for want of prosecution.

4. In view of the above, the present petition is allowed and the impugned order dated 10.01.2023 is hereby set aside. The trial Court is directed to restore the complaint at its original number and proceed further in accordance with law.

April 25, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No