

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:053352
CRM-M- 18875-2023
Date of Decision: April 18, 2023

Dharambir

...Petitioner

Versus

Vikram Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Pardeep Panwar, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner is aggrieved by the order 22.03.2023 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Gurugram, vide which criminal complaint bearing 6092/2015, titled as “*Dharambir v. Vikram Singh etc.*”, filed under Section 138/142 of the Negotiable Instruments Act, 1881, was dismissed for want of prosecution.

It is contended by learned counsel for the petitioner that after filing the complaint way back in October, 2015, summoning order was passed against accused-respondent. He failed to appear. Proclamation proceedings were initiated. Respondent-accused ultimately surrendered before the Court on 21.09.2022. He was granted bail on 04.02.2023 and case was adjourned to 14.03.2023 with a direction to serve notice to the complainant as well as counsel for the complainant. It is contended further that on the date fixed, marriage of the daughter of the petitioner was fixed and so he requested his counsel to move an application for exemption. However, his counsel neither appeared nor moved an application for exemption and in view of these circumstances, learned Judicial Magistrate 1st Class, Gurugram dismissed the complaint for want of prosecution.

Without advertng to the merits of the case, the impugned order is hereby set aside and the Trial Court is directed to restore the complaint to its original number and proceed further, in accordance with law.

Disposed of.

April 18, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No