

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:105702
CRM-M-21747-2022
Date of Decision: August 16, 2023

Sutantar Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Dr. Rau P.S. Girwar, Advocate for
Mr. Sandeep Kumar Bansal, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in the petition is to set aside the order dated 21.12.2021 passed by learned Judicial Magistrate 1st Class, Barnala, whereby complaint No.NACT/374/2020 was dismissed in default for want of prosecution after observing that for the last several dates, complainant-petitioner had not furnished the correct address of the respondent.

It is contended by learned counsel for the petitioner that because of the Corona situation, the petitioner was not in a position to approach his counsel, so as to provide the address of the accused-respondent, despite the said fact that said correct address was available. Respondent had not been served by the time complaint was dismissed in default. It is also not disputed that at that time, COVID was at its peak.

Having regard to the aforesaid facts and situations, the impugned order dated 21.12.2021 (P-3) passed by learned Judicial Magistrate 1st Class, Barnala, 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.

The petitioner-complainant shall appear before the Trial Court on or before 04.09.2023 and will also provide the correct address of the respondent-accused on the same day.

Disposed of.

August 16, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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