

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:063135
CRM-M-22165-2023
Date of Decision: May 03, 2023

Inderjit Singh Dhillon

...Petitioner

Versus

Manmeet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nippun Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner is aggrieved by the order dated 11.01.2023 (Annexure P-25) passed by learned Judicial Magistrate 1st Class, Ludhiana, whereby criminal complaint bearing CIS No.COMA/6665/2019, titled as *“Inderjit Singh Dhillon v. Manmeet Kaur”*, under Section 138 of the Negotiable Instruments Act, 1881, was dismissed on account of non-deposit of publication charges, which had been directed to be deposited for the issuance of the proclamation under Section 82 Cr.P.C. against accused-respondent.

Learned counsel has pointed out that vide order dated 03.12.2022 (Annexure P-23), publication charges were directed to be deposited within 7 days and then publication was directed to be issued in the newspaper for 11.01.2023. Petitioner could not deposit the publication charged within 7 days and rather deposited the same on 15.12.2022 as evident from the receipt (Annexure P-24). However, by not taking into consideration the said receipt, learned Trial Magistrate mentioned in the impugned order dated 11.01.2023 that publication charged had not been deposited at all and for that reason, dismissed the complaint in default.

It appears that there has been inadvertent mistake on the part of learned Magistrate in not noticing the deposit of the publication charges or the said fact was not brought to his notice by the Court Ahlmad. Be that as it may, the impugned order dated 11.01.2023 is hereby set aside. Although publication charges have already been deposited but if there is any deficiency, opportunity be provided to the petitioner to make up deficiency in the publication charges. Complaint be restored to its original number and the Trial Court shall proceed further, in accordance with law.

Petitioner is directed to appear before the trial Court on 24.05.2023 for further proceedings.

Disposed of.

May 03, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No