

(107)

2023:PHHC:065460

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

CRR No.1194 of 2023

Date of Decision: May 08, 2023

Mukesh Kumar @ Monu

...Petitioner

Versus

Rajesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nitish Yadav, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Against his conviction recorded by learned trial Court vide judgment dated 14.03.2023 under Section 138 of the Negotiable Instruments Act, in criminal complaint titled “Rajesh Kumar Vs. Mukesh Kumar @ Monu (HRRE010028062023), petitioner had filed appeal before the Court of Sessions. The said appeal was pending for 13.04.2023, on which date neither the petitioner nor his counsel appeared due to which the appeal was dismissed for want of prosecution on 13.04.2023 itself. Against this order, petitioner has filed this revision.

Without commenting anything on the merits of the case, it is suffice to mention here that once an appeal had been admitted, it was required for the Appellate Court to decide the same on merits. The impugned order dated 13.04.2023 is hereby set aside. Petitioner is hereby directed to appear before the Appellate Court on 24.05.2023. The Appellate Court shall revive the appeal and restore it at its original number and dispose of the same on merits. It is further made clear that petitioner shall furnish the surety bonds on the same date. In case any of

these conditions is not fulfilled by the petitioner, then this petition shall

be deemed to be dismissed.

May 08, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No