

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

**CRM-16970-2022 in/and
CRM-A-168-2022
Date of Decision: January 30, 2023**

Teena Singh

...Petitioner

Versus

M/s CATMOSS Retail Private Limited and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Kumar, Advocate for the applicant.

DEEPAK GUPTA, J.(Oral)

This application for grant of leave to appeal is filed against the order dated 12.07.2017 passed by learned Judicial Magistrate 1st Class, Faridabad, whereby complaint case No.NACT/4931/2015, titled as ***“Teena Singh vs M/s CATMOS Retails Private Limited and another”*** was dismissed for want of prosecution.

Learned counsel submits that initially the complaint was filed in Faridabad Court but because of the judgment of the Hon'ble Supreme Court in case of ***“Dashrath Rupsingh Rathod vs State of Maharashtra & another”*** passed in Criminal Appeal No.2287 of 2009, the complaint was returned with the direction to file the same in Delhi Court. Complainant was prosecuting the complaint in Delhi Court and again it was returned after amendment in Negotiable Instruments Act, for presenting before Faridabad Court. Complainant then engaged Shri Abhishek Pareek, Advocate so as to file the complaint. However, the presence of Shri Jitender Singh, Advocate was marked on behalf of the complainant on 12.06.2017, although petitioner had never engaged said Shri Jitender Singh, Advocate. In fact, said Jitender Singh, Advocate was representing the complainant in other cases and not in the present case as in the present case, Shri Abhishek Pareek, Advocate had been engaged as

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the counsel. Later on, because of non-prosecution, the complaint was dismissed for want of prosecution. Present application for grant of leave to appeal is also accompanied by an application for condonation of delay of 958 days in filing the application for grant of leave to appeal.

Heard.

Considering the detailed reasons as mentioned in the application, delay of 958 days is hereby condoned in filing the application for grant of leave to appeal.

Application bearing CRM-16970-2022 stands disposed of.

The impugned order dated 12.07.2017 passed by learned Judicial Magistrate 1st Class, Faridabad is hereby set aside. Learned Trial Court is directed to restore the complaint to its original number and proceed further, in accordance with law..

Present application for grant of leave to appeal is disposed of accordingly.

January 30, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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