



CRM-A-1652-MA-2016 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1652-MA-2016 (O&M)

Date of Decision: 17.12.2024

Rajinder Kumar

...Applicant

Versus

Sanjiv Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kartik Gupta, Advocate
for the applicant.

Mr. Brijesh Nandan, Advocate
for the respondent.

ANOOP CHITKARA, J.

1. Aggrieved by dismissal of complaint in default which amounts to acquittal, the complainant has come up before this Court by filing the present leave to appeal under Section 378(4) CrPC.
2. Heard counsel for the parties. Leave to appeal granted.
3. Counsel for the appellant submits that due to his non-appearance before the trial Court, his complaint was dismissed for non-prosecution which resulted in acquittal of respondent- accused.
4. On the other hand, counsel for the respondent submits that the appellant was not appearing before the trial Court and despite issuance of notice, he remained absent and trial Court rightly dismissed his complaint.
5. Without entering into controversy and without adjudicating whether notices were correctly served or not, ends of justice would meet if the said order is quashed and set aside. Given above, the appeal is allowed. Parties are directed to appear before the concerned Court on 13.01.2025. Petitioner shall deposit a sum of Rs.10,000/- to PGI Poor Patient Welfare Fund, Chandigarh. It is clarified that complainant shall not seek any adjournment before the trial Court as matter is already delayed.



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6. In case petitioner does not appear on 13.01.2025 and does not hand over receipt of Rs.10,000/-, then this order shall stand recalled automatically by referring to Section 362 CrPC (403 BNSS).

(ANOOP CHITKARA)
JUDGE

17.12.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.