

CRA-AS No. 350 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-AS No. 350 of 2024

Date of Decision: 21.10.2024

Bhupinderpal Singh

...Appellant

Versus

Paramjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.P.S. Sandhu, Advocate
for the appellant.

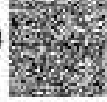
Mr. B.S. Chahal, Advocate
for the respondent.

ANOOP CHITKARA, J.

1. Aggrieved by dismissal of complaint for non-prosecution vide order dated 08.09.2022, the complainant had come up before this Court.
2. I have heard counsel for the parties and have also gone through the record.
3. It would be appropriate to reproduce the order vide which the complaint was dismissed in default and the said order reads as follows:-

"Complainant did not turn up today. Perusal of the file shows that the present complaint was presented and registered on 27.02.2018. After appearance of accused notice of accusation was framed against the accused on 04.07.2019. Since then the present complaint is pending for evidence of complainant On 24.05.2022 neither the complainant nor his counsel put an appearance before the court and case was fixed for awaiting appearance of complainant. Again on 02.08.2022 neither the complainant nor his counsel put an appearance before the court and case was fixed for awaiting appearance of complainant for today i.e. 08.09.2022.

Case called several times before lunch and after lunch, but neither complainant nor anyone else has appeared on his behalf. It has already 04.00 p.m. It is presumed that complainant does not want to proceed with the present complaint. Appearance of complainant is awaited sufficiently. Keeping in view the circumstances of the present complaint



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where the complainant himself is not appearing to proceed with the present case, the present complaint stands dismissed in default for want of prosecution. Accused stand discharged. Bail/surety bonds also stands discharged. File be consigned to the Record Room.”

4. Perusal of the aforesaid order reveals that no message was sent to the Bar Room to call the counsel or any intimation to Munshi of any lawyer. It is apparent that the Chief Judicial Magistrate was in a hurry and no opportunity was granted.

5. Given above, the order dated 08.09.2022 is quashed and set aside. Parties are directed to appear before the trial Court on 04.11.2024 at 11 A.M. Counsel for the parties to convey the date to their respective parties.

6. Given above, the present appeal is allowed. All pending applications, if any, stand disposed. Perusal of the impugned order reflects that accused was on bail, as such, there is no need for the accused-respondent to furnish fresh bail/surety bonds and bonds already furnished shall suffice.

(ANOOP CHITKARA)
JUDGE

21.10.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.