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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-42845-2023
CRM-1508-2024 in/and
CRM-A-2204-MA-2018

Pritpal Singh

...Applicant

vs.

Manoj Kumar and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Ms. Jasmeet Mehra, Advocate for
Ms. Rishma Verma, Advocate
for the applicant.

N.S.Shekhawat J. (Oral)**CRM-42845-2023**

1. The present application has been filed under Section 482 Cr.P.C. with a prayer to restore the main case i.e. CRM-A-2204-MA-2018, which was dismissed for non-prosecution vide order dated 04.09.2023.

2. For the reasons mentioned in the application, the same is allowed and the main case is ordered to be restored to its original number and status.

CRM-1508-2024

1. Application is allowed as prayed for. Annexures A-1 to A-10 are taken on record.

CRM-A-2204-MA-2018

1. The applicant has moved the present application under Section 378(4) Cr.P.C. with a prayer to seek Special Leave to Appeal against the impugned judgment dated 14.11.2017 passed by Judicial Magistrate 1st Class,

Jalandhar in a complaint case bearing No. COMI/31207/2013 instituted on 11.03.2011 titled as Pritpal Singh Vs. Manoj Kumar and others.

2. Learned counsel for the applicant submits that the impugned judgment dated 14.11.2017 passed by the Court of Judicial Magistrate 1st Class, Jalandhar, whereby the complaint filed by the present applicant was ordered to be dismissed under Section 256 Cr.P.C., is illegal and unsustainable. Learned counsel submits that the present applicant had filed a complaint against the respondents No.1 to 5 under Sections 406, 420, 467, 468, 469, 471, 120-B and also Section 500 of IPC. However, vide the summoning order dated 30.08.2011 (Annexure A-2), respondents No.1 to 5 were summoned only under Section 500 IPC. Learned counsel further contends that during the course of trial, the trial Court ordered that the present case may be tried as summons case instead of warrant case. Challenging the said order, the applicant preferred a criminal revision on 13.02.2017 and notice was issued in the said revision petition. Due to the pendency of the revision petition, the trial was continuously adjourned on several occasions by the trial Court. Learned counsel further contends that the absence of the applicant in the present case was neither willful nor intentional and the case has been wrongly dismissed by the trial Court.

3. I have heard learned counsel for the applicant and perused the record.

4. From the impugned order, it is apparent that respondents No.1 to 5 were ordered to be summoned on 30.08.2011 and thereafter, the trial was delayed by the present applicant. The trial Court ordered the framing of charge against respondents No.1 to 5 in February, 2017 and thereafter, the case was listed for complainant evidence. However, the applicant/complainant failed to

examine any witness on 01.02.2017, 07.02.2017, 08.02.2017, 15.02.2017, 16.02.2017, 07.03.2017, 08.03.2017, 16.03.2017, 06.04.2017, 06.11.2017 and 14.11.2017. Apart from that, on most of the dates, the applicant/complainant was himself absent, without any lawful justification. From the record, it is evident that during the course of trial, neither the applicant/complainant led any evidence on several dates nor bothered to appear before the trial Court. Consequently, the trial Court was left with no other option and dismissed the complaint under Section 256 Cr.P.C.

5. Even otherwise, I have gone through the various orders passed by the trial Court and found no illegality in the impugned orders passed by the trial Court. Thus, the application deserves to be dismissed by this Court.

6. Dismissed.

15.01.2024
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(N.S.SHEKHAWAT)
JUDGE

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