

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1701-2023 (O&M)
DECIDED ON: 31.01.2024

LALIT TUTEJA

.....APPELLANT

VERSUS

M/S FRONTLINE RETAIL INDIA PVT. LTD. AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vikas Gulia, Advocate
for the appellant.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer in this application/appeal is for grant of leave to appeal against order dated 23.10.2023 passed by Learned Sub Divisional Judicial Magistrate.
2. Learned counsel for the appellant contends that the order dated 23.10.2023 has been passed by Learned Sub Divisional Judicial Magistrate, whereby the complaint under Section 138 of Negotiable Instruments Act was dismissed for non prosecution. It has been contended on behalf of appellant that on the date when the case was taken up by the Court of Learned Sub Divisional Magistrate for hearing, the appellant was in Dubai. In support of the same, he has placed on record, copy of Visa and E-Ticket (Annexures P-1 and P-2 respectively). Perusal of Annexure P-2 i.e. E-Ticket, clearly shows his departure from Indira Gandhi Airport, Delhi on 07.09.2023 at 08:30 PM to Dubai on 07.09.2023 at 10:45 PM and thereafter, he returned from Dubai to Delhi on 25.11.2023 at 06:10 PM.
3. This Court is duly convinced after having perused the aforesaid documents placed on record as Annexure P1 and P2 respectively, by the appellant justifying that on 23.10.2023, he was not in Country to put in appearance in trial

Court and failed to make any alternate arrangements for moving exemption application or request in any manner. Therefore, the absence of the appellant seems to be unintentional, as the same occurred on account of aforesaid facts and circumstances. The presence of the appellant would facilitate the furtherance of justice, wherein substantial justice is required to be done.

4. In view of the above, the order dated 23.10.2023 is hereby quashed. The trial Court is directed to decide the complaints, fresh on merits.

5. The present appeal stands disposed of.

31.01.2024
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(SANDEEP MOUDGIL)
JUDGE

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