IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.384 of 2026

Date of Decision: 27.04.2026

Madan Gopal Sharma .....Petitioner

Versus

State of Himachal Pradesh … Respondent

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner : Ms. Suman Thakur, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, Judge(oral):

Petitioner herein, who is an accused in the proceedings initiated at the behest of the respondent/complainant namely, Karam Singh under Section 138 of the Negotiable Instruments Act, has approached this Court in the instant proceedings filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, praying therein for quashing and setting aside the order dated 05.07.2017 passed by learned Judicial Magistrate, First Class, Sundernagar, District Mandi, Himachal Pradesh, in complaint No.267-I/12 (new complaint No.100-I/13), titled **Karam Singh vs. Madan Gopal Sharma,** whereby he has been declared proclaimed offender.

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

2. Though, this Court is fully convinced that present petition is not maintainable, however having taken note of the fact that petitioner-accused is ready and willing to cause his presence before the Court below on the date fixed by this Court, this Court, without going into the merits of the case, deems it fit to dispose of the present petition, with a direction to the petitioner to remain present before the Court below on 07.05.2026, enabling it to proceed with the matter. Ordered accordingly.

3. Needless to say, in case the petitioner fails to cause his presence before the Court below on the date fixed by this Court, police would be at liberty to arrest the petitioner in terms of order dated 05.07.2017 passed by learned Court below, whereby he has been declared as proclaimed offender. However, till 07.05.2026 he shall not be arrested. Pending applications, if any, also stand disposed of.

(Sandeep Sharma),
Judge

April 27, 2026
(shankar)