

(1999) 4 CivCC 541 : (1999) Supp CivCC 541 : (2001) 1 RCR(Criminal) 350

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 825-SBA of 1998

Nitika Cement

APPELLANT

Vs

Dhiman Trading Co

RESPONDENT

Date of Decision: Jan. 22, 1999

Acts Referred:

- Negotiable Instruments Act, 1881 (NI) - Section 138, 142

Citation: (1999) 4 CivCC 541 : (1999) Supp CivCC 541 : (2001) 1 RCR(Criminal) 350

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Mr. R. K. Jain, for the Appellant; Mr. Ajay Mahajan, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

R. L. Anand, J.

After hearing teamed counsel for the parties, I am of the considered opinion that the order dated 8.12.1997 is required to be interfered with and the same is hereby set aside as the learned Magistrate has committed haste in dismissing the complaint. The impugned order reveals that at one point of time the learned counsel for the complainant gave appearance before the trial Court itself. If the learned counsel for the complainant did not appear or was not available before the Judicial Magistrate 1st Class, the matter should have been adjourned to some other date. By giving speedy justice by dismissing the complaint would give wrong signal to the public at large. Law courts are meant not to scuttle justice but to advance justice. In these circumstances, the impugned order dated 8.12.1997 is set aside and the complaint stands restored to its original number. The Magistrate now shall proceed with the case from the stage, the complaint was dismissed. Parties though counsel are directed to appear before the learned Magistrate on 15.2.1999.

2. Order accordingly.