

**(2012) 11 P&H CK 0089**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Misc.-A 924-MA of 2011 (O and M)

Shyam Sunder Verma

APPELLANT

Vs

Dharambir Jyanti

RESPONDENT

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**Date of Decision:** Nov. 6, 2012

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 372, 378(4)
- Negotiable Instruments Act, 1881 (NI) - Section 138
- Penal Code, 1860 (IPC) - Section 420

**Hon'ble Judges:** Ram Chand Gupta, J

**Bench:** Single Bench

**Advocate:** Pankaj Maini, for the Appellant;

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**Judgement**

Ram Chand Gupta, J.

CRM No. 65368 of 2012

1. Heard.

In view of the facts mentioned in the application, the same is allowed and order dated 08.10.2012 dismissing the present application/appeal for non-prosecution is, hereby, recalled and application and appeal are restored at their original numbers.

CRM stands disposed of.

CRM-A 924-MA of 2011 (O&M)

The present application and appeal have been filed u/s 378(4) of Code of Criminal Procedure for granting Special Leave to Appeal against the judgment of acquittal dated 31.05.2010 passed by learned Judicial Magistrate First Class, Hisar u/s 138 of Negotiable Instruments Act read with Section 420 IPC.

2. Now after recent amendment in Section 372 of Code of Criminal Procedure, the applicant-appellant is having right to appeal before court of sessions against judgment of acquittal passed by a Magistrate.

3. Hence, in this view of the matter, the present application and appeal are disposed of with liberty to applicant-appellant to file appeal before court of Sessions. However, in case an application for condonation of delay is filed by applicant-appellant, the period spent by him in pursuing this application before this Court may be considered.