

(2011) 05 P&H CK 0161
In the Punjab And Haryana At Chandigarh
Case No : Criminal Appeal No. 33-DBA of 1997

Ram Rattan

APPELLANT

Vs

Ajit Singh Chawla

RESPONDENT

Date of Decision : 23-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 394(1)
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2011) 05 P&H CK 0161

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—Ram Rattan, complainant/Appellant, had filed a complaint u/s 138 of the Negotiable Instruments Act, 1881, against Ajit Singh Chawla, accused/Respondent. Vide impugned judgment dated 29.2.1996, passed by the Judicial Magistrate Ist Class Phillaur, Ajit Singh Chawla was acquitted. Aggrieved against the same, leave to appeal was filed, which was granted vide order dated 3.1.1997, passed by this Court. Thereafter, the present appeal was assigned Criminal Appeal No. 33-DB-A of 1997. After an amendment in the Rules, this appeal is to be listed before a Single Bench.

2. This Court, on 26.4.2011, has passed the following order:

At the time of admission of the appeal, bailable warrants were issued.

A perusal of the record reveals that accused-Respondent was represented by Mr. Joginder Singh Virk, Advocate.

Mr. Paruthi states that Mr. Joginder Singh Virk, Advocate, has left for heavenly abode.

Let an actual date notice be issued to the accused-Respondent for 23.5.2011 in all the three appeals to make alternative arrangement.

Chief Judicial Magistrate, Jalandhar, is directed to effect service upon the accused-

Respondent.

A copy of this order be placed on the connected matters.

3. The Court of Additional Civil Judge (Senior Division), Phillaur, has submitted a report that accused/Respondent Ajit Singh Chawla had died about two years ago. Therefore, in view of Section 394(1) Cr.P.C., the present appeal has to abate.

4. Accordingly, the present appeal is disposed of as having been abated. However, as a matter of abundant caution, liberty is granted to the Appellant/complainant to revive the complaint in case, report submitted to the Registry of this Court regarding death of accused/Respondent Ajit Singh Chawla, is found to be false.