

TCFSL vs _____

Present Counsel for the complainant

Complaint was fixed for awaiting appearance of accused. As 30 days of mandatory period has already been elapsed but accused did not appear before the court. As per section 27 of general Clauses Act 1897-a service/registered post shall be deemed to have been effected/served at the time at which letter would be delivered in the ordinary course of work. Thus, in view of section 27 of General Clauses Act, notice is deemed to be served upon the respondent/accused and since nobody has turned up before this court despite calling case several times, I proceed to take cognizance of offence in absentia.

After going through the contents of the complaint, this court is of the view that it is fit case to take cognizance, therefore, let preliminary evidence of complainant be recorded.

Perusal of the file shows that an application for condonation of delay of 03 days in filing the complaint heard. In view of the reasons mentioned in the application, it appears that reason for delay is not intentional. Moreover, the negligence on the part of the complainant is not of such nature that cannot be compensated in terms of money. Also, if the application is dismissed, the complainant will definitely suffer an irreparable loss. Thereafter, in the interest of justice, the period of delay i.e. 03 days in filing the present complaint is hereby condoned. Accordingly, the application for condonation of delay stands allowed. Now to come up on 05.04.2025 for preliminary evidence of complainant.

Date of Order: 24.02.2025
Parveen Kumar, Steno III

(Ms. Riffi Bhatti)
Judicial Magistrate Ist Class
UID NO . PB00563

Present Counsel for the complainant

File taken up again as the complainant along with his counsel again turned up and has tendered his affidavit Ex.CA/CW1 into evidence along with documents Ex.C1/CW1 to Ex.C5/CW1 and closed preliminary evidence. Counsel for the complainant requested for arguments on the point of summoning of accused. In view of the request, the case is fixed for 05.04.2025 for arguments on the point of summoning.

Date of Order: 24.02.2025
Parveen Kumar, Steno III

(Ms. Riffi Bhatti)
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