

**IN THE COURT OF SHRI PREM KUMAR BARTH WAL,
PRINCIPAL DISTRICT & SESSIONS JUDGE, NORTH
DISTRICT, ROHINI COURTS, DELHI**

CNR NO. DLNT01-001902-2026

Crl. Appeal No. 37/2026

Ms. Raminder Beasley

D/o Late Sh. Manmohan Beasley,
R/o A-1, Shri Ram Colony,
Singhu Border Road, Delhi-110040

..... Appellant

Vs.

1. Sh. Gurjeet Singh

S/o Shri Sewa Singh
R/o Basti Maachhian,
Zira, Distt. Ferozerpur,
Punjab-142047

2. Ms. Usha

W/o Sh. Sewa Singh
R/o Basti Maachhian,
Zira, Distt. Ferozerpur,
Punjab-142047

..... Respondents

Date of Institution : 17.02.2026

Arguments concluded on : 27.03.2026

Date of Order : 02.04.2026

JUDGMENT

1. Vide this judgment, this Court shall decide the instant appeal filed by appellant/convict Raminder Beasley against the impugned order dated 10.10.2022 passed by the court of Ld. MM-01, North District, Rohini Courts, Delhi, in case titled as “*Raminder Beasley Versus Gurjeet Singh & Ors.*” bearing CC No. 5763/2019 whereby the complaint case of the complainant-therein/ appellant-herein was dismissed for non-prosecution.

2. Brief facts, as borne out from the record, are that the appellant/complainant and the respondent/accused were on friendly terms, and pursuant to this relationship, the appellant advanced a loan of Rs. 14,50,000 to the respondent, who assured repayment by August 2019. Upon demand, the respondent issued cheque No. 440047 dated 20.08.2019 drawn on State Bank of India. However, when presented through the complainant's banker, Kotak Mahindra Bank Ltd., Mamoor Pur Branch, Delhi, the said cheque was dishonored. On the respondent's assurance, the cheque was re-presented on 08.09.2019 through RBL Bank Ltd., but it was again dishonored with the endorsement "refer to drawer." Despite repeated demands, the respondent failed to make payment. Consequently, the complainant served a legal demand notice upon the respondent, but no payment was made. Thereafter, on 08.11.2019, the complainant filed a case under Section 138 of the Negotiable Instruments Act (hereinafter referred as 'NI Act'). The Ld. Trial Court, however, dismissed the complaint for non-prosecution vide impugned order dated 10.10.2022.

3. The appellant has assailed the impugned order on the grounds amongst other that the absence of the appellant on 10.10.2022 was neither deliberate nor intentional but due to the circumstances beyond the complainant/appellant's control; that the counsel for the appellant was a heart patient and due to his medical condition he could not appear on the scheduled date; that due to miscommunication, the appellant was not informed of the date of hearing and the non-appearance was the result of a bona

fide mistake, misunderstanding of the date and inadvertence on the part of counsel but the litigant ought not to be penalized for negligence of the counsel. Accordingly, the appellant has prayed that the impugned order dated 10.10.2022 be set aside.

4. I have heard Sh. Yogender Kumar, Ld. Counsel for the appellant/complainant and have also perused the record carefully.

5. At the outset, it is noted that the appeal has been preferred belatedly and without any explanation for the inordinate delay in filing appeal. The impugned order was passed on 10.10.2022 and the present appeal was filed on 13.02.2026 meaning thereby the present appeal has been filed after a long period of three years and four months. It is pertinent to mention here that along with the present appeal, the appellant has also not filed any application for condonation of delay. Further, the entire appeal does not even disclose the date when appellant became aware about the dismissal order. If the counsel was not well or ill, it was duty of the complainant to remain diligent in pursuing the case, as he is the one who filed the complaint and is fully aware of the facts. In support of his plea, the appellant has neither filed any medical documents regarding the illness or disease of his counsel nor has he provided any explanation concerning the delay /limitation period. Even during arguments, Ld. Counsel for the appellant has failed to show any sufficient cause to condone the delay in filing the present appeal. Mere assertions regarding counsel's ill-health and alleged miscommunication do not constitute adequate

justification for the prolonged inaction. The explanation offered is vague and unsupported by cogent material.

6. Even on merits, perusal of record reveals that the said complaint case was instituted before the Ld. MM-01, North on 13.11.2019. The complainant appeared on 13.11.2019 and her counsel marked appearances on 06.01.2020 and 07.11.2020. However, thereafter, no one appeared on behalf of the complainant on various date of hearing for a considerable period i.e. on 09.07.2020, 09.07.2021, 17.11.2021, 11.05.2022 and even on 10.10.2022. The conduct of the appellant demonstrates lack of diligence in pursuing his own matter and, despite repeated opportunities, the appellant failed to ensure effective representation before the Trial Court. The responsibility of pursuing litigation rests squarely upon the litigant, and reliance on counsel's inadvertence cannot absolve the appellant of this duty particularly when complainant's absence is not explained for various dates fixed by Ld. Trial Court. The plea of bona fide mistake or misunderstanding of dates cannot be accepted in the absence of any credible substantiation.

7. In view of the above discussion, the present appeal is devoid of any merits. The impugned order dated 10.10.2022 dismissing the complaint for non-prosecution is accordingly upheld. Accordingly, the present appeal is hereby dismissed.

8. A copy of this judgment along with Trial Court Record be sent back to the Ld. Trial Court.

9. Appeal file be consigned to Record Room after necessary formalities.

*Announced in the open court
today i.e. 02nd April, 2026*

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge (North)
Rohini Courts, Delhi.