

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-14559-2014 (O&M)  
Date of Decision: 06.08.2015

M/s. Chugh Plastics

...Petitioner

Versus

M/s. Ranam Industries and others

...Respondents

2. CRM-M-14560-2014

M/s. Chugh Plastics

...Petitioner

Versus

M/s. Ranam Industries and others

...Respondents

3. CRM-M-14561-2014

M/s. Chugh Plastics

...Petitioner

Versus

M/s. Ranam Industries and others

...Respondents

4. CRM-M-14562-2014

M/s. Chugh Plastics

...Petitioner

Versus

M/s. Ranam Industries and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH**

1. ***Whether Reporters of the local papers may be allowed to see the judgment?***
2. ***To be referred to the Reporters or not?***
3. ***Whether the judgment should be reported in the digest?***

Present: Mr. Sandeep Arora, Advocate  
for the petitioner.

Mr. Vikas Kumar, Advocate for  
Mr. B.D. Sharma, Advocate  
for respondents No.1 to 3.

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**R.P. Nagrath, J. (Oral)**

By this common order CRM Nos.M-14559 of 2014, 14560

of 2014, 14561 of 2014 and 14562 of 2014 are being disposed of as all these cases arise out of dishonoring of cheques between the parties and similar question of fact and law is involved in all these matters.

Petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C. seeking to set aside the order dated 22.04.2014 passed by the learned Magistrate whereby prayer to examine accountant of the firm of petitioner as a witness in support of his case was dismissed.

I have heard learned counsel for the parties at considerable length and also perused the paper book and find that there is justification in seeking quashing of the impugned order.

When the complainant was examined as a witness respondent-accused did not avail of the opportunity to cross-examine him and the same was treated as nil opportunity given. Thereafter, respondent-accused applied to the trial Court under Section 311 Cr.P.C. to recall the complainant for cross-examination and that was declined on 14.01.2015. The respondent filed CRM No.M-4632 of 2014 challenging the order passed by the trial Court which was allowed by this Court on 18.03.2014 granting one opportunity to the respondent to cross-examine the petitioner. The respondent-accused thereafter cross-examined the complainant and the case was posted for recording statement of the accused under Section 313 Cr.P.C.

Learned counsel for the petitioner submits that after cross-examination of the complainant, opportunity to lead further

evidence was not granted and the case was straight away fixed for recording statement under Section 313 Cr.P.C.

The petitioner wants to examine only his accountant with books of accounts and that the witness will be produced only on one opportunity.

Looking into the aforesaid facts, especially when initially the complainant was not supposed to lead further evidence when his cross-examination was treated as nil, the petitioner had the right to examine his accountant in further evidence.

The instant petition is allowed setting aside the impugned order dated 22.04.2014 (Annexure P-4) and petitioner would be granted only one opportunity to produce his witness i.e. accountant alongwith account books on one date to be fixed by the learned trial Court.

**( R.P. Nagrath )**  
**Judge**

06.08.2015  
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