

CRM-M-21771-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-21771-2015

Date of Decision: 15.12.2015

Mohan Singh

...Petitioner

Versus

Jagjit Singh Sohi

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. Sahil Khunger, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 26.05.2015.

I have heard learned counsel for the parties and have gone through the record available on the file, carefully.

Respondent had filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act with regard to dishonour of cheque dated 09.09.2013 in the sum of ₹3,83,000/-.

On 26.05.2015, trial Court has passed the following order:-

“Accused has not put in his

CRM-M-21771-2015

[2]

personal presence inspite of specific directions. The previous cost has also not been paid. The complainant is present for cross-examination since morning. Nobody has turned up on behalf of the accused for cross-examination. Perusal of the file reveals that on the last date witness was present but could not be corss examined and cost of Rs.500/- have also been imposed on the accused, which is not paid. Case is pending for cross-examination of the CW since 04.07.2014 and numerous opportunities have been taken by the accused for the cross-examination of the CW. No further grant of adjournment is justified. Accordingly, the cross-examination of the CW is treated as nil. Counsel for the complainant vide his separate statement closed the evidence on behalf of complainant. Now to come up on 07.07.2015 for recording statement of accused u/s 313 Cr.P.C.”

A perusal of above order reveals that the petitioner had failed to cross examine the complainant despite opportunity and had also failed to pay the costs. Rather the petitioner had failed to appear before the trial Court on

CRM-M-21771-2015

[3]

26.05.2015. In these circumstances, the learned trial Court rightly ordered that the cross examination of the complainant be treated as nil.

No ground for interference by this Court is made out.

Dismissed.

December 15, 2015
kapil

(SABINA)
JUDGE