

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M 3405 of 2013

Date of decision : 15.07.2015

M/s K.P. Knitters & ors.

....Petitioners

V/s

M/s Vardhman Polytex Ltd.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Damandeep Singh, Advocate for the petitioner.

Mr. Arun Bansal, Advocate for the respondent.

RAJAN GUPTA J.

Petitionerd have filed this petition under Section 482 Cr.P.C. for quashing order dated 11.12.2012 passed by Judicial Magistrate Ist Class, Ludhiana whereby application under section 311 Cr.P.C. for additional evidence moved by respondent was allowed.

Learned counsel for the petitioners contends that court below has committed a grave error in allowing the application for additional evidence of CW2 Sanjeev Singla. According to him, trial court has not considered the provisions of section 311 Cr.P.C. in correct perspective. Thus, impugned order deserves to be quashed.

Plea has been opposed by learned counsel appearing for the respondent.

I have heard learned counsel for the parties.

It appears that complainant-respondent filed a complaint under section 138 of the Negotiable Instrument Act, 1881 alleging that petitioners took a loan of ₹15.00 lacs from the respondent-

company. In order to discharge the said liability, petitioners issued four different cheques which had been dishonored due to insufficient funds in the account. Thus, complaint under section 138 of the Act was filed. Thereafter, trial proceeded. On the basis of preliminary evidence of the complainant, petitioners were summoned to face trial. Complainant moved instant application under section 311 Cr.P.C. for additional evidence of witness CW2 Sanjeev Singla on the ground that said witness was very much material and essential for just decision of the case. Same has been allowed by the court below. In my considered view there is no ground to interfere with the order passed by the trial court. It is evident that respondent filed complaint on the ground that petitioners have issued cheques in question to meet the liability of loan advanced to them, which was dishonoured. Admittedly, case is at the stage of complainant evidence when application under section 311 Cr.P.C. has been allowed. The powers under section 311 Cr.P.C. are wide and confer the power on the court to examine, re-examine or recall any witness if it is, in the opinion of court, essential for just and proper adjudication of the matter. No case for interference in inherent jurisdiction of this court is made out. Dismissed.

July 15, 2015

Ajay

(RAJAN GUPTA)
JUDGE