

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

**C.R.M-M No.33904-2015
Date of Decision : 19.11.2015**

Asish Biswas

..... Petitioner

Versus

M/s Crystal Phosphates Ltd.

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Parveen Sharma, Advocate for
Mr. Arvind Singh, Advocate
for the petitioner.

Mr. P.S.Miglani, Advocate
for the respondent.

1. Whether Reporters of 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?

AJAY TEWARI, J. (Oral)

On 05.10.2015 the following order was passed:-

"This petition has been filed challenging the order dated 16.2.2015 whereby the trial Court directed to treat the cross-examination of the complainant as nil, and the order dated 9.9.2015 whereby the application under Section 311 of the Cr.P.C for recalling the aforesaid witness has been dismissed.

Counsel for the petitioner has argued that by order dated 12.12.2014, this Court had directed the trial Court to decide the issue of jurisdiction immediately and that issue was decided only in July. He has, however, fairly accepted that

during the pendency of that decision, the petitioner could have cross-examined the complainant-witness.

In the present case, cheque amount was Rs.7,80,011/- and the cheque was stated to have been issued in 2010. It put it to counsel for the petitioner that I would grant one opportunity to the petitioner to crossexamine to the complainant-witness subject to payment of Rs.50,000/- as costs to be paid to the complainant.

Notice of motion for 19.11.2015. Let the complainant be served by way of dasti process through his counsel in the trial Court. Meanwhile, the trial Court is restrained from passing final order."

Learned counsel for the respondent states that he has no objection to granting necessary opportunity to the petitioner in terms of the last order. He further states that the matter is now fixed for 30.11.2015 and he would undertake to produce the witnesses which the petitioner wants to cross-examine.

In the circumstances, the petition is allowed in the terms mentioned above.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 19, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**