

CRM-M-35048-2015

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

CRM-M-35048-2015

Date of decision: 13.10.2015

M/S Sachin Goyal Properties and Leasing (P) Ltd.
and others

.....Petitioners

Versus

Devkinandan

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rahul Sharma, Advocate,
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 20.08.2015.

Learned counsel for the petitioners has submitted that complaint in question had been filed by respondent through his attorney. Petitioners had sought to summon the respondent and his wife in their defence evidence. However, they had failed to appear despite service.

The impugned order reads as under:-

“Today the case was fixed for defence evidence of accused. But even today no defence evidence has been produced by the accused despite the fact statement of

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accused u/s 313 Cr.P.C. was recorded on 09.12.2014 and the case was fixed for defence evidence of accused and thereafter many opportunity have been granted to the accused to conclude its entire defence evidence. But accused failed to conclude its entire evidence till date. Even today accused has not produced his defence evidence and ld. counsel for the accused requested one more opportunity. But keeping in view the above circumstances no plausible explanation has been put forth by the ld. defence counsel for the accused for not concluded his defence evidence. Therefore, I do not find any justification to grant any further opportunity to the accused to conclude his defence evidence as such the defence evidence of the accused is closed by order. Now to come up on 27.08.2015 for arguments.”

Perusal of the above order reveals that the petitioners were granted sufficient opportunity to enable them to examine any witness in their defence. In case the complainant and his wife had failed to appear during trial despite service then the trial Court shall consider the said fact while deciding the trial. Since, sufficient opportunity had been granted to the petitioners to conclude their defence evidence but they had failed to do so, the trial Court was left

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with no other alternative but to close the defence evidence of
petitioners by order.

No ground for interference, is made out.

Dismissed.

October 13, 2015
kapil

(SABINA)
JUDGE