

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-35117 of 2014
Date of Decision : 2.7.2015

Karamjit Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. Gulzar Mohd., Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.
Mr. Pankaj Bali, Advocate for respondents no.2 and 3.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Instant petition under Section 482 Cr.P.C., is directed against the order dated 15.9.2014 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Khanna, whereby evidence of the petitioner-complainant was closed.

Notice of motion was issued and pursuant thereto, reply by way of affidavit dated 6.1.2015 was filed on behalf of respondent no.1.

Learned counsel for the petitioner submits that only one opportunity may be granted to the petitioner to produce the remaining evidence and that too on her own responsibility. He further submits that the petitioner is also ready to bear reasonable costs for granting her another

opportunity.

On the other hand, learned counsel for respondents no.2 and 3 submits that the petitioner is not entitled for another opportunity because she has availed very many opportunities for producing her evidence. She is trying to misuse the process of law by delaying the matter unnecessarily. He concluded by submitting that if at all an opportunity is to be granted to the petitioner, an exemplary cost is liable to be imposed on her.

Having heard learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this court is of the considered opinion that it is just and expedient to grant one more opportunity to the petitioner to enable her to produce her left over evidence, however, on her own responsibility.

In view of the above, instant petition is allowed. The impugned order dated 15.9.2014 (Annexure P-4) is hereby set aside. The learned trial court is directed to grant one more opportunity to the petitioner to produce her remaining evidence, however, on her own responsibility. The opportunity to be granted to the petitioner shall be subject to payment of Rs.10,000/-, which shall be paid by the petitioner to respondents no.2 and 3 before the learned trial court.

With the above said observations made and directions issued, the present petition stands disposed of.

2.7.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

