

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37588 of 2015
Date of decision: 3.11.2015

Vidya Bhushan Joshi ...Petitioner

Versus

Balbir Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 7.8.2015, passed by Judicial Magistrate 1st Class, Ludhiana, whereby application under section 311 Cr.P.C. moved by the petitioner for recalling the respondent for further cross-examination, has been dismissed.

Learned counsel for the petitioner submits that the petitioner has come to know about the criminal activities of respondent Balbir Singh and thus, further cross-examination is necessary to bring on record the conduct and character of complainant and his son Manjit Singh as well as other family members.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Respondent preferred a complaint against the petitioner under section 138 of Negotiable Instruments Act read with section 420 IPC. In the said complaint, complainant/respondent Balbir Singh

tendered his affidavit by way of evidence on 14.11.2011. He was duly cross-examined at length on 27.11.2014. The complainant closed his evidence on 24.12.2014 and case was fixed for recording statement of accused under section 313 Cr.P.C. Thereafter, on 16.2.2015, petitioner moved the present application for further cross-examination of the respondent. It reveals that petitioner is intentionally trying to linger on the matter as the application has been filed at the fag end of the trial just to delay the proceedings of the case.

I find no merit in plea of the counsel for the petitioner. No purpose is going to be served by recalling the witness at this belated stage. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

3.11.2015
'Rajpal'