

CRM-M-41449-2015 (O&M)

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

**CRM-M-41449-2015 (O&M).
Decided on: December 11, 2015.**

**M/s Cocoon Overseas (India) Ltd. and another
.. Petitioner(s)**

VERSUS

**M/s Sarve Overseas
.. Respondent(s)**

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Viren Jain, Advocate,
for the petitioners.**

M.M.S. BEDI, J. (ORAL)

Petitioners are facing proceedings under Section 138 of the Negotiable Instruments Act. Examination-in-chief of the complainant had been recorded by the trial Court not giving fair opportunity to the petitioner to cross-examine him as a result of which a direction was given by this Court on 18.8.2015 to permit the cross-examination of the complainant by the petitioner.

After cross-examination of the complainant, the petitioner again moved an application under Section 311 Cr.P.C., for resummoning the complainant for further cross-examination on the plea that certain questions and documents could not be put to the complainant. Said application has been dismissed vide impugned order Annexure P6.

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On the directions of this Court, counsel for the petitioners has made available a copy of the examination-in-chief and cross-examination of complainant Sarvesh Kumar partner of complainant M/s Sarve Overseas, Ludhiana.

Annexures P7 to P9 have been permitted to be taken on record.

I have heard the counsel for the petitioners in order to ascertain whether recalling of the complainant is necessary for the just decision of the case.

Counsel for the petitioners submits that the petitioners want to confront the complainant regarding the relationship of the company of petitioner No.2 with the complainant-respondent being tenant and landlord; the petitioner-firm having been wrongly dispossessed; criminal case having been registered against the complainant; and he having taken the cheque as a security.

After going through the cross-examination of the complainant which runs into more than 10 pages, I am of the opinion that a fair opportunity has been given to the petitioners to cross-examine the complainant. In case documents confronted to the complainant are yet to be proved, the petitioners may avail the opportunity to produce the documents in defence subject to their relevance and admissibility.

No ground is made out for interference in the

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impugned order passed by the trial Court dismissing the application under Section 311 Cr.P.C.

The petition is dismissed without prejudice to the rights of the petitioners to produce the relevant documents in defence subject to their admissibility and relevance to the satisfaction of the trial Court indicating the purpose for production of evidence/documents.

(M.M.S.BEDI)
JUDGE

December 11, 2015.
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