

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : October 28, 2015

1. CRM-M No.9611 of 2015 (O&M)
2. CRM-M No.9618 of 2015 (O&M)
3. CRM-M No.9668 of 2015 (O&M)

Vijay Gupta vs Bal Mukand Rai Garg & another

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Avnish Mittal, Advocate
for the petitioner.

Mr. SD Bansal, Advocate
for the respondents.

1. **Whether Reporters of Local Newspapers 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)

This order shall dispose of CRM-M Nos.9611, 9618 and 9668 of 2015, as similar facts are involved therein.

Challenge in these petitions is to the impugned orders dated 29.1.2015 (Annexure P-9) closing the cross-examination of the complainant/respondent No.1 by the petitioner-accused in separate three cases under Section 138 of the Negotiable Instrument Act.

Counsel for the petitioner has argued that the reasons advanced by the trial Court for closing the cross-examination cannot bear the scrutiny

of law.

Counsel for the complainant has, however, argued that this is a case where the total amount due from the petitioner was about ₹ 25 lacs for which cheques in questions were issued. The petitioner never bothered to file any reply to the notice/s nor did he file any reply to the complaint/s and further cross-examination by the petitioner is only for the purpose of delaying the proceedings.

I put it to counsel for the petitioner as to what was the case of the petitioner with regard to the issuance of these cheques as may have emerged during the proceedings of the case. As per him, the claim of the petitioner is that the cheques were not intended to be encashed and actually it is the petitioner who is to take money from the complainant. He has further accepted that the cross-examination of the complainant went on for four dates. In my opinion, the reason which may weigh for the passing of an order cannot be determinative of its validity. It is not unknown that a right order may be passed for wrong reasons and for a wrong order may be passed for right reasons. I have gone through the entire cross examination which has been placed on record. I find that the complainant has been asked questions only with regard to the amount allegedly owed by the complainant to the petitioner in some other business dealing and there is just one suggestion that the petitioner did not issue the cheques and the cheques are forged. After asking this question at page 66 of the paper book, the petitioner has again asked questions with regard to the other business. In my opinion, once the petitioner had already cross-examined the complainant at length with regard to the other transaction and had put the suggestion to

him that the cheques in question did not bear the signatures and were false and forged, there was no justification to again embark upon the lengthy cross examination with regard to other business of the complainant. Resultantly, I find no fault in the impugned order and consequently dismiss these petitions.

October 28, 2015
'kk'

(AJAY TEWARI)
JUDGE