

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

**Crl.Rev.No.1770 of 2015**

**Date of Decision : 15.5.2015**

Jagdish Singh @ Lahori

....Petitioner

Versus

Urvinder Singh and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr. PKS Phoolka, Advocate  
for the petitioner.

.....

**MAHESH GROVER, J.**

The petitioner impugns the order dated 20.4.2015. He has prayed for an opportunity to adduce evidence at the appellate stage after having faced criminal prosecution for violating the provisions of Section 138 of the Negotiable Instruments Act.

The Court noticed in the impugned order that the statement of the petitioner as an accused was recorded on 17.5.2012 and thereafter 17 opportunities were given to him to lead his evidence in defence. But despite this he led no other evidence except for tendering some documents and finally on 4.10.2013 the trial court concluded the matter to sentence the petitioner.

It is contended by the learned counsel for the petitioner

that if only one opportunity is given to the petitioner he would adduce his entire evidence before the Appellate Court where conviction has been challenged.

After hearing the learned counsel for the petitioner and upon perusal of the impugned order, I am of the considered view that if the petitioner had been granted 17 opportunities which fact is not controverted by the learned counsel for the petitioner and having failed to adduce his evidence, he cannot be granted any further opportunity. Rules of substantial justice even though intended to safeguard the interest of a litigant and general public cannot be extended to a point of snapping as the court has to balance both the aspects i.e. substantial justice between the parties. If the petitioner had been given 17 opportunities the complainant too would have suffered for this inordinately long period awaiting redressal of his grievance. At the appellate stage, to make such a prayer without offering any justification for the earlier lapses would not warrant an indulgence from the court as the petitioner would have virtually deemed to waive off his right to lead evidence in defence. Besides he did not impugn the order of the trial Court of closure of evidence.

There is thus no justification in granting any further indulgence to the petitioner once he has waived of his right to lead any evidence despite all the opportunities given to him.

No ground to interfere.

Dismissed.

15.5.2015

(MAHESH GROVER)  
JUDGE

dss