

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

**CRM No.M-15762 of 2016
Date of Decision: May 09, 2016**

Jatinder Singh

.... Petitioner

vs.

Guriqbal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Behl, Advocate for the petitioner.

- 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?*

Kuldip Singh J.(Oral)

Impugned in the present petition is the order dated 07.01.2016 passed by learned Judicial Magistrate 1st Class, Ludhiana, vide which application for directing the complainant to appear in person for cross-examination was dismissed, which was affirmed by the learned Addl. Sessions Judge, Ludhiana, vide order dated 25.03.2016.

The petitioner is facing prosecution under Section 138 of the Negotiable Instruments Act, 1881. The complaint has been filed by Guriqbal Singh Mann through his power of attorney Malwinder Singh Ghuman, who is stated to be a practicing advocate. The prayer of the petitioner is that the complainant should be directed to appear in person for cross-examination, which was declined by the lower court and affirmed by the first appellate court.

I am of the view that it is for the complainant to see which evidence is to be produced. If the complainant does not produce proper evidence, consequences will follow. However, the lower court rightly held that the complainant cannot be compelled to appear in the Court for cross-examination. Thus, there is no ground to interfere in the impugned orders passed by both the courts below.

Accordingly, the present petition stands dismissed.

May 09, 2016
sarita

(KULDIP SINGH)
JUDGE