

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

**CRM-M-20732 of 2016
Date of Decision: June 09, 2016**

Sonu Chugh

...Petitioner

Versus

Pawan Kumar Juneja

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Nandan Jindal, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

A complaint under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'the Act') was preferred by the complainant Pawan Kumar Juneja against accused Sonu Chugh. It is during the cross-examination of the complainant Pawan Kumar Juneja as CW1 the counsel for the accused has posed a question seeking salary account number, bank and name of the branch and which question stood declined by the Court below. Against this order the accused petitioner has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. seeking quashment of the order dated 26.5.2016 Annexure P/4 of learned Judicial Magistrate 1st Class, Abohar.

Heard, learned counsel for the petitioner at length.

It is well elicited from the statement of the complainant as CW1 that at the relevant time he was posted as Manager in State Bank Life Insurance and has given his salary package to be ₹2,40,000/- per annum and has proved salary account statement Ex.C6. Thus, witness has given sufficient evidence as to his economic status and capacity to lend such an amount. However, the question that is sought to be put to the witness regarding the salary account number and name of the bank and station of the Bank branch in the light of Ex.C6, the salary account statement becomes inconsequential and fallacious and, thus, has been rightly declined and overruled by the Court below.

Powers of Court under Section 148 Evidence Act are to be exercised to stop improper putting of questions and since there is no occasion having arisen under Section 149 of Evidence Act the same having been rightly declined does not call for such inherent exercise of powers by this Court.

Learned counsel for the petitioner could not convince how there has been subversion of the rights of the petitioner to cross-examine the witness as to the material point involved. It needs to be reiterated here that cross-examination needs to be confined only to the controversy involved and a party cannot be allowed to venture beyond a certain point which could not throw any light on the judicial adjudication of the matter and assist the Court in reaching at a judicious conclusion. Learned counsel for the petitioner could not convince this Court how there is imminent need for this Court to exercise its inherent powers to come to the aid of the petitioner. There being no exceptional circumstance made out

in favour of the petitioner for exercise of these powers and, thus, finding no merit in the instant petition, the same as such stands dismissed.

(FATEH DEEP SINGH)
JUDGE

June 09, 2016
aarti