

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23698 of 2016

Date of Decision:- 27.07.2016

Shweta Monga

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amrainder Singh, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Present petition has been filed by the petitioner for setting aside the order dated 05.07.2016 (Annexure P-1) passed by learned Additional Sessions Judge, Ambala upholding the order dated 11.05.2016 (Annexure P-2) passed by learned JMIC, Ambala whereby the prosecution evidence has been closed.

Perusal of order dated 05.07.2016 (Annexure P-1) shows that the charges have been framed in this case on 09.07.2012 and thereafter, the complainant has availed 8 effective opportunities to get herself and her father cross-examined. One last opportunity was granted by the trial Court on payment of costs of ₹2000/- to be paid to the accused by the complainant.

After hearing the learned counsel for the petitioner, going

through the record, this Court is of the considered view that as per

impugned order (Annexure P-1) the date has been sought by the complainant on the ground that she and her father in Australia and had to return on 29.06.2016 and adjournment of one day was requested. Despite the above-said fact, the trial Court vide order dated 11.05.2016 has turned down the request of the petitioner, particularly when, no prejudice was going to be caused to the accused.

In view of the above-said facts, the present petition is allowed. The impugned orders are hereby set aside. The trial Court is directed to grant one more effective opportunity for cross-examination of the above-said witnesses. However, this would be subject to the payment of ₹10,000/- (Rupees Ten Thousand) as costs, to be paid by the complainant to the accused.

July 27, 2016
naresh.k

(RITU BAHRI)
JUDGE