

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

CRM-M-25398-2016 (O&M)
Date of decision : 05.12.2016

M/s Maa Vaishno Foods

...Petitioner

Versus

M/s Haryana Agro Industries Corporation Ltd.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jagdeep Singh Virk, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondent.

JITENDRA CHAUHAN, J. (Oral)

The instant petition under Section 482 of the Code of Criminal Procedure, is for modifying order dated 14.07.2016 (Annexure P-5), passed by learned Judicial Magistrate 1st Class, Karnala, whereby, second application moved by the petitioner in complaint case No.233/2015, titled as “Haryana Agro Industries Corporation Ltd. Vs. Puneet Kumar and others”, Annexure P-3, to examine Mandi Supervisor, Faquir Chand, to prove the fact whether the cheque in question was issued towards any legal liability or not, has been declined.

It is contended that the witness sought to be examined is a material witness for the proper adjudication of the matter. This witness is competent to depose with regard to the authenticity and purpose of issuance of the cheque in question.

On the other hand, learned counsel for the respondent states that on one pretext or the other, the petitioner has been delaying the disposal of the trial. Huge amount of Rupees 5.75 crores is to be recovered from him. Therefore, he will have no objection if the present petition is allowed and Faquir Chand, Mandi Supervisor, is allowed to be examined.

Heard.

Considering the fact that there is a huge liability of approximately Rupees 5.75 crores towards the petitioner and the paddy was entrusted to the petitioner in the year 2013-14, the trial Court is directed to afford one effective opportunity to the petitioner to examine Faquir Chand, Mandi Supervisor. The respondent be also allowed an effective opportunity to cross-examine him. Furthermore, the trial Court is directed to conclude the trial expeditiously, preferably, within a period of three months.

Disposed of in the above terms.

05.12.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No