

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

CRM-M-27534-2016 (O&M)
Date of decision : 08.09.2016

Savita Arora

...Petitioner

Versus

M/s Bajrang Steel Udyog and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bhriugu Dutt Sharma, Advocate,
for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The petitioner is aggrieved against the order dated 20.07.2016, passed by learned Judicial Magistrate 1st Class, Jalandhar, whereby, the cross-examination of CW-1, Mangal Singh, has been treated as Nil on behalf of the petitioner-accused in a complaint under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner submits that CW-1, Mangal Singh, could not be cross-examined on 16.07.2016, as the counsel representing the petitioner was unwell and therefore, an adjournment was sought. It is submitted that though the adjournment was granted for 20.07.2016, but the same was subject to payment of Rupees one thousand as costs, which could not be deposited and accordingly, the cross-examination was treated as NIL. It is submitted

that the petitioner being an old lady of 70 years, could not arrange the funds which led to the passing of the impugned order.

Heard.

Keeping in view the facts and circumstances of the case, this Court is inclined to accept the prayer. Accordingly, one effective opportunity is granted to the petitioner-accused to complete the cross-examination of CW-1, Mangal Singh, subject to the payment of Rupees five thousand as costs, to be deposited with the District Legal Services Authority concerned, over and above the costs of Rupees one thousand imposed by the Court below.

Allowed.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

08.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No