

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29285-2016

Date of decision: August 26, 2016.

Napolian Singh

... **Petitioner**

v.

Manu Goswami

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Harsh Aggarwal, Advocate for the petitioner.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the petitioner at length.

The challenge is to the order impugned dated 10.3.2016 by which the learned trial Judge rejected the request to recall the witness Manu Goswami, complainant, for further cross examination.

I have perused the application that was filed before the trial Judge for that purpose. The application is blissfully silent about the reasons for recall. Learned counsel for the petitioner has contended before me that the cheques were in fact given by the father of the complainant, which fact the father of the complainant has mentioned in his examination before the court. He wants to recall the witness, the complainant, in order to asking him further questions as to the tenability of the complaint as there was no legally enforceable law under Section 138 of the Negotiable Instruments Act. In my opinion, the order of the trial court cannot be faltered as in the

first place, the application does not contain any ingredients of Section 311 Cr.P.C. Secondly, the case of the petitioner accused has no relevance for asking the questions to the complainant as the father of the complainant has been examined. It is in that context, I therefore find no merit in the present petition. The same is dismissed.

August 26, 2016.
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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No