

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

CRM No.M-29840 of 2016 (O&M)
Date of Decision: August 29, 2016

M/s Gilvert Ispat and another

...Petitioners

VERSUS

Ashok Jain

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Yogesh Goel, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent Ashok Jain, for quashing of impugned order dated 21.07.2016 passed by learned trial Court thereby dismissing the application under Section 311 Cr.P.C. moved by the petitioners-accused for recalling the complainant for the purpose of further cross-examination.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application was filed under Section 311 Cr.P.C. by the accused-petitioners for recalling the complainant for further cross-examination on the ground that due to paucity of time, during the cross-examination of the complainant, their counsel could not inspect the documents produced by the respondent-complainant and vital question remained to be put to him.

The copy of the statement of the complainant has been shown in the Court at the time of argument by learned counsel for the petitioners,

which shows that complainant was cross-examined partly on 06.01.2014, then on 29.01.2014, then on 06.07.2015 and the cross-examination was concluded on 03.10.2015. The complainant was cross-examined on four days during the span of almost about two years and the complainant was cross-examined in detail. Learned Magistrate has noted this fact while dismissing the application under Section 311 Cr.P.C. Further, it is in order that the statement of the accused was recorded on 06.11.2015 and the case was fixed for defence witnesses and now application in question was filed for further cross-examination of the complainant.

The perusal of the impugned order shows that no illegality has been committed by the Court below and application has been rightly dismissed. The application under Section 311 Cr.P.C. has been filed only to delay the proceedings. The complainant was cross-examined in detail. Nothing has been pointed out as to which material question has not been asked and the version of the applicants-petitioner that their counsel could not inspect the documents due to paucity of time, also cannot be believed in view of the fact that complainant was cross-examined on 4-5 dates for almost about two years.

In view of the above discussion, I find that the impugned order dated 21.07.2016 passed by learned JMIC, Ludhiana, is correct, as per evidence and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No