

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3175-2016

DECIDED ON: JANUARY 29, 2016

Navneet Aggarwal

....Petitioner...

VERSUS

State of Punjab and another

....Respondents...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

JASPAL SINGH, J (Oral)

This is a petition under Section 482 of the Code of Criminal Procedure preferred by Navneet Aggarwal for quashing of order dated 06.01.2016 (Annexure P-4) passed by Id. Judicial Magistrate Ist Class, Ludhiana, in case No. 45864 of 2013, whereby an application moved under Section 311 Cr.P.C., dated 28.10.2015 (Annexure P-2) seeking permission to cross-examine CW1, was dismissed.

2. Notice of motion to respondent No.1 only, at this stage.
3. At the asking of Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.
4. No doubt, perusal of impugned order dated 06.01.2016 transpires that sufficient opportunity was afforded to the petitioner by Id. trial court to cross-examine the complainant (CW1) but since learned

counsel could not appear on the dates fixed for the cross-examination of CW1, the trial court passed the order. Subsequent thereto, an application was moved seeking permission to cross-examine the aforesaid witness but that has also been declined. Though, impugned order does not call for any interference by this Court but at the same time, it would be desirable that the petitioner is afforded an opportunity to cross-examine the complainant (CW1) to impart effective justice to the parties.

7. Accordingly, impugned order is set aside and Id. trial court is directed to afford an effective opportunity to the petitioner to cross-examine the complainant (CW1) on the date fixed by the Id. trial court.

8. This order is subject to the payment of ₹5000/- as costs, which shall be deposited with the Legal Services Authority, Ludhiana.

JANUARY 29, 2016
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(JASPAL SINGH)
JUDGE