

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

CRM-M No.40436 of 2016
Date of decision: 2nd December, 2016

Renu Arora

... Petitioner

Versus

Davinder Kumar Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mandeep S. Sachdev, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Trial Court records received. Heard contentions of learned counsel for the petitioner and perused the records.

Petitioner Renu Arora has sought to invoke jurisdiction of this Court under Section 482 Cr.P.C. seeking quashment of the order dated 02.11.2016 (Annexure P1) passed by the learned Judicial Magistrate 1st Class, Jalandhar whereby defence evidence of the petitioner has been closed.

This Court deems it expedient that there is no necessity to issue notice as it would suffice the purpose to dispose off the matter merely on the basis of records of the trial Court.

What is unrefuted and is well writ large on the records of the trial Court is that the complaint was filed on 21.01.2012 since almost 5 years and the order of summoning was issued way back on 05.11.2012

and since then the matter is being delayed on one pretext or the other, apparently for a motivated cause and purpose to unduly delay the proceedings and it was only after much efforts of the Court on 05.06.2015 notice of accusation could be served upon the accused after procuring her presence. In-between there has been umpteen adjournments on one pretext or the other and most of them purely on the grounds that the accused has sought exemption from personal appearance. Statement under Section 313 Cr.P.C. was recorded on 25.07.2016 and thereafter eight adjournments were sought on apparently frivolous reasons. As if it was not enough, the present petitioner, as is reflected from the orders dated 29.09.2016 of the trial Court, has filed a list of 44 witnesses with a pre-conceived machination to scuttle due disposal of the course of justice. The trial Court has rightly observed it so and only allowed some of these witnesses numbering 15 which are well detailed in these orders.

The order in question is well reasoned and in spite of which no discernible efforts have been put forth by the present petitioner to complete the evidence and rather has been more interested in delaying the case.

Learned counsel for the petitioner could not pinpoint any illegality or perversity in the impugned orders (Annexure P1), however, to thwart off any such misconception and apprehension in the mind of the petitioner that she is being denied legitimate right to lead her

defence, it would suffice the purpose and would subserve the ends of justice if the petitioner is afforded two opportunities from the date the parties put in appearance before the trial Court on 22.12.2016, to complete her defence evidence and both these dates shall not span for more than one month. It would be the obligation of the petitioner to lead her evidence by taking dasti process if so desired/advised and no further adjournment shall be granted.

Petition stands disposed off in those terms.

Trial Court record be sent back immediately along with a copy of this order for due compliance. The trial Court is directed to ensure speedy disposal of the matter without further loss of time.

(FATEH DEEP SINGH)
JUDGE

December 2, 2016

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No