

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

CRM No.M-41638 of 2016 (O&M)
Date of Decision: November 29, 2016

Karnail Chand

...Petitioner

VERSUS

Rakesh Chopra and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tarun Vir Singh Lehal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents Rakesh Chopra and Mohinder Ram, for quashing of order dated 15.10.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar, vide which the application under Section 311 Cr.P.C. filed by the petitioner was dismissed and for further re-calling complainant Mohinder Ram under Section 311 Cr.P.C. for further cross-examination in the light of new evidence.

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

From the record, I find that Rakesh Chopra and Mohinder Ram complainants filed a complaint against Karnail Chand under Section 138 of the Negotiable Instruments Act. During the pendency of the trial, an

calling complainant. It is stated in the application that at the time of cross-examination of complainant, the accused was not in possession of complaint and compromise. The concerned person from Police Station Goraya has produced the complaint and compromise and the accused wants to confront the signatures of the complainant on both the documents.

It is stated that complainant had admitted in his cross-examination that he has given the complaint at Police Station Goraya. If this fact is admitted, then there is no need to prove the signatures of the complainant on the complaint. Furthermore, the case is fixed for defence evidence. The complainant cannot be recalled now again. The complaint and compromise were already in the knowledge of the accused and he could get the cross-examination deferred at that time and could have summoned the record but he has not done any such thing.

Moreover, as regarding the compromise, the accused can prove it by bringing evidence i.e. any witness, scribe of the compromise or by coming into witness box himself etc.

In view of the above discussion, I find that the order dated 15.10.2016 passed by learned JMJC, Jalandhar, is correct, as per law and does not require any interference from this Court.

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

November 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No