

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-4317 of 2016 (O&M)
Date of Decision: February 08, 2016

Sampati

...Petitioner

VERSUS

Sh.Ashwani Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kapil Khanna, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 17.12.2015 passed by learned Judicial
Magistrate Ist Class, Jalandhar and all other consequential
proceedings arising therefrom.

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

From the record, I find that an application was filed by the
complainant for examining the witness namely Harbans Lal to prove
the receipt Ex.C1, which was attested by Harbans Lal. Learned JMJC,
Jalandhar, after considering the facts and circumstances of the case
and also after hearing the parties, allowed the application, vide order
dated 17.12.2015.

From the record, it is clear that the evidence of the complainant is still going on. Harbans Lal is attesting witness of receipt Ex.C1 and the complainant wants to examine him to prove the said receipt. Learned JMIC, Jalandhar, held that said witness is material for deciding the case. It is settled law that if any evidence is essential or necessary for the just decision of the case, the witness can be called. The mere fact that the name of Harbans Lal is not mentioned in the list of witnesses, is no ground to dismiss the application.

The perusal of the order dated 17.12.2015 shows that it has been passed by learned JMIC, Jalandhar correctly, as per law and it does not require any interference from this Court. In no way, the impugned order can be held as illegal nor it amounts to miscarriage of justice.

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

February 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE