

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-44281 of 2015 (O/M)
Date of decision : 6.1.2016

Vivek Kapila @ Vicky

..... Petitioner

Versus

Sarwan Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Namit Gautam, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner contends that in a complaint under Section 138 of Negotiable Instruments Act, 1881, his (petitioner's) defence evidence has been closed by orders, vide impugned order dated 18.12.2015, passed by the learned Judicial Magistrate Ist Class, Ludhiana. It is contended that in order to prove the loss of cheque, he has summoned MHC of P.P. Court Complex, Ludhiana, alongwith complete record of the DDR bearing No. 8, dated 20.8.2010, but the said MHC is not served for one or the other reason. The Court is not using the coercive methods. It is stated that the said evidence is material to prove that the complaint has been filed on the basis of stolen cheque.

It being so, without issuing notice to the opposite party, the impugned order is set aside. The trial Court is directed to

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summon the said MHC alongwith complete record of the DDR and if necessary, use the coercive method to compel his appearance.

However, no other witness shall be allowed to be examined.

The present petition is allowed.

(KULDIP SINGH)
JUDGE

6.1.2016
sjks