

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

CRM-M-No.5096 of 2016

Date of decision: September 30, 2016

Vijay Pal Adhana

----Petitioner(s)

V/s

Swaraj Mazda Ltd.

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- None for the petitioner.

HARI PAL VERMA, J. (Oral)

In the instant petition filed under Section 482 Cr.P.C., petitioner has impugned the order dated 19.01.2016 passed by learned Addl. Sessions Judge, Chandigarh in appeal No.00000941/2014, against the judgment of conviction passed in Complaint No.10783 dated 27.09.2007, whereby the prayer of the petitioner for seeking adjournment of the case till July, 2016 was not considered favourably and the case was ordered to be listed for hearing on 25.02.2016 for arguments on the application under Section 391 Cr.P.C.

The petitioner has filed an application dated 19.01.2016 for adjournment of the case upto the month of July, 2016 with a prayer that respondent-complainant has misused the cheques of the petitioner and has forged his signatures. The petitioner has never admitted his liability but has been convicted on the basis of presumption and forged letter. The respondent has also failed to produce the complete account statement and books of account before the learned trial Court.

The respondent has also filed a civil suit for recovery of the amount and cross-examination of the witness is in progress which was fixed for 22.01.2016. Thus, the very basis of the adjournment was that a civil suit filed by the respondent is also pending and there is likelihood that the evidence in the said suit would be completed by March, 2016 and, therefore, it was prayed that the case be adjourned to July 2016.

Nobody is present on behalf of the petitioner despite the case being passed-over thrice since morning, but having considered the limited prayer made on behalf of the petitioner that the appeal filed by the petitioner before the learned Addl. Sessions Judge, Chandigarh be adjourned to a date beyond July 2016, no more survives, as the period for which the prayer was made, is already over.

Accordingly, no further order is required to be passed in the present petition and the same is hereby dismissed as infructuous.

September 30, 2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No