

CRR-2625-2015

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

CRR-2625-2015

Date of Decision: February 01, 2016

Manjeet Singh

.....Petitioner

Versus

M/s Kahlon Traders Merchants & Commission Agents

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr.Anil K.Ahluwalia, Advocate
for the petitioner.

None for the respondent.

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NARESH KUMAR SANGHI, J.(ORAL)

Prayer in the present criminal revision petition is for quashing of order dated 06.07.2015 passed by learned Sub Divisional Judicial Magistrate, Khanna, whereby the defence evidence of the petitioner was closed by Court order.

Learned counsel contends that one effective opportunity be afforded to the petitioner to conclude his defence evidence.

Despite notice, no one has appeared for the

respondent.

On 03.08.2015 while issuing notice of motion, the following order was passed by this Court:-

“The present revision petition is directed against the order dated 06.07.2015, passed by the learned S.D.J.M., Khanna, whereby defence evidence of the accused/present petitioner has been closed in a complaint filed under Section 138 of the Negotiable Instruments Act.

Counsel for the accused/petitioner would argue that the impugned order would work to the extreme prejudice of the petitioner and one last opportunity be granted to conclude defence evidence. Counsel further makes a statement that to avail of last opportunity, petitioner is ready and willing to compensate the complainant party by paying a sum of ₹20,000/-.

Notice of motion, returnable for 14.9.2015 subject to a deposit of ₹20,000/- by the petitioner with the registry of this Court within a period of two days from today.

In the eventuality of the petitioner making the requisite deposit of ₹20,000/- within the stipulated time frame, final order in the matter shall not be passed.”

Learned counsel for the petitioner submits that in compliance of the order, dated 03.08.2015, a sum of ₹20,000/-

(Rupees twenty thousand only) was deposited with the Registry of this Court and he would have no objection if the same is permitted to be withdrawn by the respondent-complainant.

After hearing the learned counsel for the petitioner and going through the material available on record, the present petition is allowed and the order dated 06.07.2015 is set aside. Learned trial Court is directed to afford one effective opportunity to the petitioner-accused to lead his remaining defence evidence.

It is made clear that if the petitioner-accused deliberately attempts to delay the trial under the garb of present order, in that eventuality the learned trial Court shall be free to withdraw the concession granted by this Court and proceed with the trial in accordance with law.

₹20,000/- (Rupees twenty thousand only) deposited by the petitioner-accused with the Registry of this Court can be withdrawn by the respondent-complainant against receipt as per norms.

A copy of the present order be sent to learned trial Court immediately.

February 01, 2016
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(NARESH KUMAR SANGHI)
JUDGE