

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

**Criminal Revision No.3501 of 2016
Date of Decision:-21.11.2016**

Ram Pal

...Petitioner

Versus

Naresh Grover

...Respondent

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

Present:- Mr. Anirudh Kush, Advocate
for the petitioner.

Mr. Diwan Sharma, Advocate
for the respondent.

HARI PAL VERMA J.(Oral)

Petitioner has filed the present revision petition against the order dated 19.8.2016 passed by learned Sub Divisional Judicial Magistrate, Derabassi, whereby application filed by the petitioner-accused for cross-examination of the complainant was declined.

In the order dated 19.8.2016, the learned SDJM, Derabassi has observed as under :-

“After hearing the arguments addressed by both the counsel, this Court opined that in the application by the accused, he did not deny his liability as well as signatures on the cheques bearing No.000034 dated 15.10.2014 and No.000033 dated 10.11.2014 amounting

to Rs.11,15,000/- each drawn on Kotak Mahindra bank Limited, Baltana, rather, he admitted that there was sale transaction executed between him and the complainant and the said plot in dispute was taken into custody by the third person from the complainant. In view of the above stated documents appended with the present complaint and arguments addressed by both the councils, the provision (a), (b) and (c) of Section 138 of the Negotiable Instrument Act are shown to have been complied with and liability is admitted by the accused, therefore, technically the commission of offence stand completed. If the accused wants to prove that besides the above stated facts he has not committed any offence or any specific reason, he has a right to lead evidence in defence. Accordingly, this Court hereby declined the application of the applicant/accused for the cross examination of complainant and treating the present complaint as someone trial.

Now, upon 29.08.2016 for defence evidence, if any.”

Learned counsel for the petitioner has argued that the trial Court, has wrongly declined the request of petitioner for cross-examination of the complainant and other witnesses regarding the dispute of a plot and material questions were required to be asked from the complainant for proper adjudication of the case. He further states that the learned trial Court has wrongly accepted the plea of the respondent-complainant.

Learned counsel appearing for the respondent-complainant has stated that filing of the present revision petition as well as the application before the trial Court is nothing but to delay the trial. He very fairly states

that he is ready to accept the prayer made by learned counsel for the petitioner but that would be limited only for one date otherwise under the garb of this concession, the petitioner may keep on delaying the trial.

I have heard learned counsel for the parties.

The limited prayer as made by learned counsel for the petitioner is to cross-examine the complainant and since learned counsel for the complainant has extended this concession for one date, I deem it appropriate to grant one effective opportunity to the petitioner to cross-examine the respondent-complainant.

Accordingly, this petition is disposed of with a direction that the trial Court shall afford one effective opportunity to the petitioner to cross-examine the respondent-complainant, in accordance with law.

November 21, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No