

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.494 of 2016

Date of decision: February 09, 2016

Kuldeep Kaur

...Petitioner

Versus

Ram Kumar Rana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Jatinder Jit Kaur, Advocate for the petitioner.

Rajan Gupta, J.

This is a revision petition against the order dated 06.01.2016, passed by Chief Judicial Magistrate, SAS Nagar, Mohali, whereby application under section 311 Cr.P.C. filed by the petitioner has been dismissed.

The order has been assailed on the ground that trial court has not appreciated the plea of the petitioner in correct perspective. Powers under section 311 Cr.P.C. are wide, thus, the court ought to have allowed the application.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A criminal complaint under section 138 of the Negotiable Instruments Act was instituted by Ram Kumar Rana in the year 2009. At the stage of defence evidence accused examined two witnesses. One witness namely, Sonu Keshav cited by him was given up on 15.03.2014.

He thereafter moved application dated 11.7.2014 seeking permission to examine other witnesses. This application was allowed vide order dated 07.01.2015. Petitioner moved another application to examine three more witnesses. As a result, two bank officials were examined. On 24.9.2015, the court closed the evidence. Petitioner impugned the order passed by the trial court before this court, but revision petition was dismissed as withdrawn. Instant application was moved by the petitioner to examine witnesses namely, Sonu Keshav and Dharamvir and also to examine the witness Birwati. He also sought to prove an agreement regarding some land. The prayer has been rejected by the trial court observing that accused had availed more than twenty opportunities to conclude the evidence but failed to do so. It also imposed costs on the petitioner on various occasions. It appears, petitioner is merely trying to delay the conclusion of trial which has been pending for almost seven years. There is nothing on record to show that evidence of the witnesses and production of the agreement in question is necessary for a just decision of the case. Sufficient opportunities have already been granted to the petitioner. The order does not call for any interference.

Dismissed. Trial court shall be at liberty to impose exemplary costs on the petitioner in case he further delays the trial.

(RAJAN GUPTA)
JUDGE

February 09, 2016
'Rajpal'