

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

**CRM-M-1016-2017
Date of decision-16.01.2017**

Roshan Bharti

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Namit Khurana, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code has been filed for quashing of the order dated 09.01.2017 (Annexure P-5) passed by learned Judicial Magistrate First Class, Ambala in Criminal Case No.1240 instituted on 07.10.2014 vide which application under Section 311 Cr.P.C. in a complaint filed under Section 138 of the Negotiable Instruments Act has been dismissed.

By moving an application (Annexure P-3), the petitioner sought to examine the concerned Clerk/official of HDFC Bank, Kamani Chowk, Yamuna Nagar alongwith record of account No.50100012122867 of Cheque No.000103 dated 14.07.2014 and another Cheque No.000104.

It is contended by learned counsel for the petitioner that re-examination of the witness is essential for the just decision of the case. It is further contended that the cheque in question has been misused by the complainant/respondent No.2 in connivance with his relatives at Jagadhari. The cheque in question was issued on 14.07.2014 whereas the petitioner had stopped the payment of cheque by moving an application much prior to the

presentation of the cheque. The statement dated 15.12.2016, in pursuance whereof the evidence of the petitioner was closed was made inadvertently.

I have heard learned counsel for the petitioner and perused the case file.

The learned trial Court has declined the prayer for recalling of witness by observing that despite sufficient opportunities, the petitioner had failed to prove as to why the bank official was required to be re-examined. Otherwise also, the evidence of the petitioner was ordered to be closed. Instead of challenging that order, the petitioner has chosen to file application under Section 311 Cr.P.C.

In view of the above, this Court feels that the present application is nothing else but an effort to fill up the lacunae in the matter. Thus, no fault could be found with the well reasoned order of the Courts below. This Court feels that no cause of action has arisen in favour of the petitioner to invoke the inherent jurisdiction of this Court by way of filing the instant petition.

Consequently, present petition is dismissed.

(JITENDRA CHAUHAN)
JUDGE

January 16, 2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No