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

I. CRM-M-12909-2016
Date of decision:11.12.2017.

RUDRA TEXTILIES ... Petitioner

versus

VINOD TRADERS Respondent

II. CRM-M-12911-2016

M/S. RUDRA TEXTILIES AND ANR. ... Petitioners

versus

PAWAN KUMAR Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioner (s).

Mr. Sourabh Arora, Advocate,
for the respondent.

HARI PAL VERMA, J.(*Oral*)

This order shall dispose of two petitions i.e. CRM-M-12909-2016 titled as ***Rudra Textiles Versus Vinod Traders*** and CRM-M-12911-2016 titled as ***M/s Rudra Textiles and another Versus Pawan Kumar***.

Prayer in these petitions filed under Section 482 Cr.P.C. is for quashing the order dated 29.03.2016 passed by learned Additional Sessions Judge, Amritsar, whereby the revision petition filed against the order dated 04.03.2016 passed by learned Judicial Magistrate Ist Class, Amritsar was dismissed.

Vide order dated 04.03.2016, learned Magistrate has closed the defence evidence on the ground that on the earlier date of hearing, the petitioner-accused had made a statement that he would conclude the defence evidence on the next date of hearing.

Learned counsel for the petitioner states that the petitioner-accused could not appear for cross-examination for the reason that his mother was not keeping well and on 04.03.2016 and he had made an application seeking exemption from personal appearance, which was graciously allowed by the trial Court. He further states that the petitioner in no manner wants to delay the proceedings and he just want to put forward his defence through his cross-examination.

On other other hand, learned counsel for the respondent-complainant states that the petitioner was given the opportunity and he had made a statement before the Court that he will conclude his defence evidence, but he did not act as per his commitment.

I have heard learned counsel for the parties.

The respondent-complainant has filed a complaint under Section 138 of Negotiable Instruments Act. In the said complaint, the complainant has adduced his evidence. The petitioner-accused though was required to conclude his evidence on 04.03.2016 but has failed to do so despite his statement recorded in the Court.

Considering the fact that there is no material to substantiate the fact that petitioner is delaying the trial in any manner, in the interest of justice, he is granted one effective opportunity to get himself cross-examined. The date shall be fixed by the trial Court and the parties shall appear before the trial Court on the date fixed in the case. However, the

petitioner would be allowed to conclude his defence evidence subject to payment of ₹2,500/- each, payable to the respondent-complainant.

It is made clear that the petitioner shall be afforded only one effective opportunity and he shall not delay the proceedings in any manner.

With the aforesaid observations, both the petitions are disposed of.

(HARI PAL VERMA)
JUDGE

11.12.2017
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No