

CRM-M-1397-2017

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

CRM-M-1397-2017(O&M)

Date of decision: 18.01.2017

Ashok Kumar

...Petitioner

Vs.

Saminder Pal

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

CRM-1133-2017

Application is allowed as prayed for.

Annexures P-1 and P-2 are taken on record subject to all just exceptions.

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This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the impugned order dated 30.11.2016 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Fatehabad whereby the evidence of the complainant-petitioner has been closed, in complaint case No.RBT-134-II dated 12.09.2014 (Annexure P-1) titled as “Ashok Kumar Vs. Saminder Pal” which is pending for 21.01.2017 for recording the evidence of the accused-respondent under Section 313 of Cr.P.C.

Learned counsel contends that the petitioner wanted to produce

the documents relating to the transaction in question and to examine the representative of the Bank but he could not appear due to the rush caused by implementation of policy of demonetization. Learned counsel fairly concedes that he has availed five opportunities but because of the stated reason, the needful could not be done.

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

Without expressing any opinion on the merits of the case and considering the above, the petition is accepted; the petitioner is allowed one effective opportunity to examine the remaining witnesses, however, the same shall be subject to payment of costs of ₹ 10,000/-.

This petition is disposed of without issuing notice to the respondent with a view to impart complete justice to the parties and to save the respondent from legal expenses, which may be incurred by the respondent as also in order to avoid unnecessary delay in adjudication in the matter. Still, if dissatisfied, the respondent may move this Court for recalling this order.

(JITENDRA CHAUHAN)
JUDGE

January 18, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No