

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

**CRM-M-18992-2017
Date of Decision: 11.07.2017**

Chander Lekha Jain

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.S. Dadwal, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

2. On the asking of the Court, Mr. D.R. Singla, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1-State.

3. In this petition, the petitioner, who is the complainant in the pending criminal case arising out of FIR No.35 dated 29.01.2014 registered under Sections 406, 420 and 120-B of the Indian Penal Code (in short 'IPC'), has prayed for a direction upon the Ld. trial Court to expedite the trial.

4. The petitioner claims to be an old lady of 69 years, who was allegedly cheated of an amount to the tune of ₹1.55 crore by the accused persons/respondent Nos.2 to 5, who are residents of the State of Karnataka.

5. It transpires that after completion of investigation charges against the respondents were framed as far back as on 29.01.2014. Thereafter, only three prosecution witnesses including the petitioner/complainant, her husband (since deceased) and her son have been

examined. Their cross-examination were deferred at the instance of the accused persons. For the last 2 to 3 years, there has been no progress in the trial as repeated adjournments were obtained on behalf of the defence under the guise of 'exemption from appearance' applications. It is seen from the orders passed by the Ld. trial Court (Annexure P-2 collectively) that on certain occasion even the application for exemption of some of the accused was allowed, but still cross-examination of the witnesses was not done.

6. In the given circumstances, the present petition is disposed of with a direction upon the Ld. trial Court to proceed with the trial henceforth on a day-to-day basis as far as practicable. If any of the accused persons (based in the State of Karnataka) happens to be not physically present on any given date, his or her absence may be condoned for that date but cross-examination of the prosecution witnesses shall not be deferred due to such absence. In case, the defence does not show due diligence in such cross-examination, the Ld. trial Court shall be at liberty to close the same.

7. A copy of this order be also sent to the Superintendent of Police, Ambala for information and with a direction to ensure that the official witnesses cited in the challan are invariably present before the Ld. trial Court on the date fixed.

11.07.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No