

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20746 of 2017
Date of Decision: 02.06.2017

Maheep and another

.....Petitioner

Vs.

Col.Parampal Singh Bajwa

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Varun Sharma, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 17.04.2017 (Annexure P-2) passed in petition whereby the cross-examination of the respondent has been treated as Nil and against the order dated 08.05.2017 (Annexure P-5), whereby the application filed for recalling the order dated 17.04.2017 has been dismissed, being illegal and liable to be quashed.

The respondent is working in army and had sought longer adjournment and the case was adjourned for 27.02.2017 and on that date respondent appeared and moved an application that his counsel was not available and requested for adjournment. Thereafter, his case was adjourned by the Court for 17.04.2017. On that date petitioner was present in person in the Court but her counsel was remained busy in another Court. When the counsel for the petitioner reach in the Court to cross-examine the witness, he came to know that his opportunity to cross-examination treated nil vide order dated 17.04.2017 (Annexure P-2). Counsel for the petitioner on the same day moved the application to recall the order and allowing the petitioner to cross-examine the respondent but learned trial Court did not

consider the genuineness of the petitioner and dismissed the application for recalling the witness vide order dated 08.05.2017 (Annexure P-5).

Keeping in view that cross-examination of respondent is necessary, one effective opportunity is being granted to the petitioner to cross-examine the respondent subject to condition that petitioner will deposit Rs.5,000/- as costs to the District Legal Services Authority, Mohali

(RITU BAHRI)
JUDGE

02.06.2017
anil

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