

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. 25305 of 2017 (O&M)

Date of Decision: 15.11.2017

Ram Kumar

... Petitioner(s)

Versus

Raj Kumar Garg

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Anupam Singla, Advocate
for the petitioner(s).

Shekher Dhawan, J.

CRM-36548-2017

Criminal Misc. Application is allowed, subject to all just exceptions. Document (Annexure P5) is taken on record.

CRM-M-25305-2017

Present petition under Section 482 Cr.P.C. for seeking quashing of order dated 6.6.2017 (Annexure P1), passed by learned Judicial Magistrate Ist Class, Nabha.

Learned counsel for the petitioner contended that petitioner wants to take the plea that respondent is a money lender without obtaining required license and for that purpose, an application under Section 91 Cr.P.C. was filed before the learned Court below, which was declined.

Having considered the fact that from the date of filing of a complaint i.e. 16.11.2015, the intention of the present petitioner was just to

delay the proceedings of the case and for that purpose cross-examination of

complainant was deferred on three dates i.e. 8.2.2017. 6.3.2017 and 3.4.2017. Thereafter, statement of accused under Section 313 Cr.P.C. was recorded. The matter was then posted for defence evidence and arguments for two different dates and then an application under Section 91 Cr.P.C. was filed and this plea has been rightly declined by the learned Court below. There is absolutely no illegality in the impugned order, passed by the learned Court below. However, the petitioner shall be at liberty to take all these pleas regarding money lending business and license thereof before the learned trial Judge.

In view of the observations made above, present petition stands disposed of.

(Shekher Dhawan)
Judge

November 15, 2017
“DK”

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