

CRM No. M-25865 of 2017

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

**CRM No. M-25865 of 2017
Date of Decision : 01.08.2017**

Vikramjit Singh Grewal

...Petitioner

Versus

Tejinder Singh Bedi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner has challenged the order dated 16.05.2017 passed by the trial Court, whereby his application for cross-examination of co-accused has been dismissed as well as order dated 24.05.2017, whereby his revision there against has been dismissed by the Additional Sessions Judge.

The petitioner is facing trial in a complaint under Section 138 of the Negotiable Instruments Act. It is the case of the petitioner that his co-accused while being examined under Section 313 Cr.P.C. as well as in his examination-in-chief, had levelled allegations against the petitioner and, therefore, the petitioner should have been granted an opportunity to cross-examine the co-accused.

Learned counsel for the petitioner contends that the co-accused was examined under Section 315 Cr.P.C. as defence witness and he had levelled allegations against the petitioner and, therefore, the petitioner should be allowed to cross-examine him. He has also cited judgment of the Supreme Court in the case of ***State of M.P. Vs. Ramesh and another***, 2011(4) SCC 786.

The trial Court has rejected the application of the petitioner by

holding that there is no provision in Cr.P.C. for cross-examination of accused by co-accused and the words “Adverse Party” contained in Section 137 of the Indian Evidence Act means opposite party and only opposite party could cross-examine the witness.

While exercising jurisdiction under Section 482 Cr.P.C., I do not find any good ground to interfere with the order of the trial Court rejecting the application of the petitioner especially when both the petitioner and his co-accused have been summoned to face trial on the complaint of respondent No. 2 under Section 138 of the Negotiable Instruments Act. A perusal of the statement of the co-accused, who was examined as DW1, reveals that he had stated that he acted as an authorised signatory for the petitioner for the issuance of the cheques and the cheques had been issued with the prior consent and permission of the petitioner. He had also stated that he was not incharge of the liquor vend business of the petitioner and did not have any concern therewith.

The judgment of the Supreme Court in the case of ***State of M.P. Vs. Ramesh and another(supra)***, pertains to a case under Section 302 read with Section 120-B IPC, wherein it was observed that when an accused gives his evidence under Section 315 Cr.P.C., he can be cross-examined on behalf of prosecution and/or of the accomplice, if so required. In the instant case, the petitioner as well as co-accused are facing trial for dishonour of cheques.

Consequently, I do not find any merit in the instant petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

August 01, 2017
kanchan

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>