

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29655-2017

Date of decision: 16.08.2017

M/s Ajay Trading Company

..... Petitioner

Versus

Rakesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjeev Roy, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Through the instant petition under Section 482 Cr.P.C., the petitioner has prayed for setting aside the impugned order dated 20.04.2017 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Jalandhar, whereby the evidence of the complainant-petitioner was closed, in Complaint No. 3678 of 2015 titled "M/s Ajay Trading Co. Vs. Rakesh Kumar, under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner contends that application of the petitioner under Section 311 Cr.P.C. was allowed by the trial Court vide order dated 31.03.2017 (Annexure P-4), subject to payment of cost of ₹ 500/- and the case was adjourned to 12.04.2017. On the said date, the case was adjourned to 20.04.2014. As the petitioner did not lead its evidence on 12.04.2017 and 20.04.2017, the evidence of the petitioner was illegally closed by the trial Court vide order dated 20.04.2017 (Annexure P-1), without granting proper opportunity to the petitioner to complete its evidence.

without commenting upon the merits of the case, the impugned order dated 20.04.2017 (Annexure P-1) is set aside. The trial Court is directed to afford one proper opportunity to the petitioner, to adduce its evidence, subject to payment of ₹ 2000/- as costs.

4. The instant petition stands disposed of, accordingly.

August 16, 2017
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(RAMENDRA JAIN)
JUDGE

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