

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

**CRM-M-39018-2015 (O&M)
Date of decision: 27.07.2017**

Saurabh Goyal

....Petitioner

Versus

Arun Goyal and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishav Jain, Advocate for
Mr. Arihant Jain, Advocate for the petitioner.

Mr. O.P.Sharma, Advocate for respondents.

ARVIND SINGH SANGWAN, J. (Oral)

Challenge in the present petition is to the order dated 28.8.2015 (Annexure P-1) passed by Judicial Magistrate Ist Class, Ludhiana, vide which the trial Court has dismissed the application filed by the complainant/petitioner under Section 311 Cr. P.C. to place on record special power of attorney dated 11.3.2015.

Learned counsel for the petitioner has submitted that the only reason given in the application is that it has filed at a belated stage and this cannot be a ground to reject the application.

In support of his contention, he has placed reliance on M/s G.J.Packaging Private Limited and another vs. M/s S.S. Sales and another, 2006 (2) RCR (Crl.) 34.

Learned counsel for respondent has opposed the same on the ground that since, this application was filed at the fag end of trial and therefore, it was rightly dismissed by the trial Court, after hearing the learned counsels for the parties.

In view of the above, order dated 28.8.2015 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Ludhiana is set aside with the direction to the trial Court to decide the application afresh at the time of deciding the main case. If it is found that the defect of submitting the special power of attorney is curable, the same will be considered and allowed at the time of deciding the main case.

Learned counsel for respondent will have a right to oppose the application and take all pleas of his defence in support thereof.

Disposed of as above.

(ARVIND SINGH SANGWAN)
JUDGE

27.07.2017

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No