

CRM No. M-41820 of 2017

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-41820 of 2017
Date of Decision : 07.11.2017

Krishan Kumar

...Petitioner

Versus

Smt. Renu Chhabra

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Santpal Singh Sidhu, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner has challenged order dated 28.09.2017 (Annexure P-10), whereby the trial Court has granted the respondent an opportunity to lead additional evidence.

The petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent. In the course of the trial, the respondent/accused had preferred an application under Section 311 Cr.P.C. for producing documents to show that another complaint has been filed by the petitioner. It was also stated in the application that the factum of his complaint being filed by the petitioner earlier was not in the knowledge of the applicant/respondent earlier. Learned counsel for the petitioner contends that the respondent/accused had earlier also preferred two applications under Section 311 of the Cr.P.C. for summoning witnesses and other documents and the 3rd application has been filed just to delay the trial.

Heard.

The trial Court while allowing the application of the respondent/applicant has observed that only one opportunity is granted to the accused to summon the concerned Ahlmad for proving the copies of the complaints. The application of respondent for summoning the copies of other complaints filed by the petitioner against the respondent and another person cannot in the absence of any material to the contrary be said to be an abuse of the process of the Court or meant to delay the trial. The interest of the petitioner has already been protected as only one opportunity has been granted to the accused/respondent to produce the evidence.

Consequently, I do not find any patent illegality, which would warrant interference while exercising jurisdiction under Section 482 of the Cr.P.C.

The petition stands dismissed.

November 07, 2017
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

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