

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-8018 of 2016

Date of Decision: 04.9.2017

Anik Dutta

.....Petitioner

Versus

Parveen Shori

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurmeet Singh, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the impugned order dated 5.1.2016 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Khanna in a complaint bearing No. NACT/115/15 titled 'Mrs. Parveen Shori versus Anik Dutta', under Section 138 of the Negotiable Instruments Act ('Act' for short) whereby the application moved by the petitioner under Section 145(2) of the Act to allow the cross-examination of the complainant, was dismissed.

Mr. Pankaj Bali, Advocate has put in appearance on behalf of the respondent and filed memo of appearance, which is taken on record.

Vide order dated 05.1.2016, the learned Judicial Magistrate Ist Class has noticed that the very purpose for filing the application by the petitioner under Section 145(2) of the Act is just to delay the trial in the complaint and, therefore, the petitioner cannot be afforded opportunity to cross-examine the complainant.

Learned counsel for the respondent has fairly submitted that

though, the very purpose for filing the application is to delay the trial, however, the respondent-complainant has no objection in case one effective opportunity is granted to the petitioner to cross-examine the respondent-complainant.

I have heard learned counsel for the parties.

Considering the fair stand of the respondent-complainant that he has no objection in case one opportunity is granted to the petitioner to cross-examine the respondent-complainant, the present petition is disposed of with the direction to the trial Court to afford one effective opportunity to the petitioner to cross-examine the respondent-complainant.

(HARI PAL VERMA)
JUDGE

September 04, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No