

CRM-M-10586-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10586-2018

Date of Decision: 13th March, 2018

Ashraf Khan

...Petitioner

Versus

Smt. Ram Devi & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the order dated 27.02.2018 (Annexure P-9) passed by the Judicial Magistrate First Class, Ferozepur Jhirka, whereby, an application preferred by the petitioner for leading additional evidence for examining the witnesses in defence has been dismissed.

It is the contention of the learned counsel for the petitioner that one more opportunity may be granted to the petitioner to lead additional evidence as he contends that earlier, respondent No.2 Smt. Fata was already a party to the complaint but had been discharged. She is an essential party for bringing forth the truth and therefore, the present application deserves to be allowed.

Having gone through the impugned order dated 27.02.2018 (Annexure P-9), it is apparent that eleven opportunities were earlier granted to the petitioner to lead evidence in defence but did not do so. Thereafter,

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an application was moved by the petitioner to lead additional evidence which application was allowed on 22.02.2018. Despite that opportunity, which was in the form of a mercy chance given to the petitioner, the witness he intended to produce, did not appear on the date fixed. Another application under Section 311 of the Code of Criminal Procedure for leading additional evidence was filed, which again has been considered and dismissed by the trial Court. The order as passed by the trial Court, therefore, being based upon proper appreciation of the facts of the case and the opportunities which have earlier been granted to the petitioner, does not call for any interference of this Court as it appears that the petitioner is intentionally delaying the proceedings in a complaint under Section 138 of the Negotiable Instruments Act which has been filed by respondent No.1 against the petitioner.

The present petition being devoid of merit stands dismissed.

13th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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