

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M- 17722-2017(O&M)

Date of decision: 20.11.2018

M/s Tilok sons Brewery & Distillery and another

.....Applicants

versus

M/s Rajasthan Liquors Limited

.....Respondent

**CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.Ashish K. Gupta, Advocate for the applicants  
Mr.Saravpreet S. Gurna, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldeep Singh, J. (Oral)**

Impugned in the present petition is order dated 30.3.2017 (Annexure P1) passed by learned Sub Divisional Judicial Magistrate, Derabassi, whereby an application filed by the applicants-accused to cross-examine the complainant-respondent as well as witnesses. The complaint was dismissed on the ground that applicants-accused instead of cross-examination can very well prove his version by cogent defence evidence and he has efficacious remedy to prove his version by leading cogent evidence in defence.

After going through the file, I am of the view that accused can rebut the case of the complainant by leading the defence evidence . However, there is another way. From the cross-examination he can impeach the the credit of the witnesses and he can extract the admission, which will disapprove the case of the complainant. Therefore, , the cross-examination

of the complainant and the witnesses cannot be declined on the ground that accused can lead defence evidence. If the accused claims that he want to cross-examine the complainant and his witnesses, the permission has to be granted.

It being so, the impugned order dated 30.3.2017 (Annexure P1) passed by learned Sub Divisional Judicial Magistrate, Derabassi is set aside and applicants-accused are granted permissin to cross-examine the complainant and witnesses.

Petition is allowed accordingly.

**20.11.2018**  
*gk*

**(Kuldip Singh)**  
**Judge**

Whether speaking/ reasoned:  
Whether Reportable:

Yes  
No