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

**CRM-M-22921-2018**
**Date of decision-18.12.2018**

**Vinod Makharia ...Petitioner**

**Vs.**

**M/s Continental Steels, NIT Faridabad ...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Deepak Vashishth, Advocate for the petitioner.

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**MANOJ BAJAJ, J. (Oral)**

The present petition has been filed under Section 482 of Code of Criminal Procedure for setting aside the impugned order dated 19.12.2017 (Annexure P-1) in complaint No.1898-2017 dated 27.04.2017 in case titled as "M/s Continental Steel Vs. Vinod Makharia" before learned Judicial Magistrate First Class, Faridabad.

Notice of motion.

At this stage, Mr. Raghav Gulati, Advocate causes representation on behalf of the complainant.

Trial Court has noticed that in the previous complaint the accused had given fresh cheques to discharge his liability and on that ground the previous complaint pertaining to dishonour of cheques was withdrawn. The Court proceeded to observe that since liability is admitted, no opportunity is required to be given to the accused to cross-examine the complainant in the complaint relating to dishonour of the fresh cheques. This

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Court finds that in a criminal trial if an accused is prevented to cross-examine the prosecution witness a serious prejudice is caused to him.

Learned counsel appearing on behalf of the complainant does not dispute that accused has a right to cross-examine the complainant and he has no objection if two opportunities are given to the accused.

In view of the above, impugned order dated 19.12.2017 (Annexure P-1) is set aside and trial Court is directed to afford two opportunities to accused to cross-examine the complainant/witnesses.

Disposed off.

**(MANOJ BAJAJ)**
**JUDGE**

**18.12.2018**
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Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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