

CRM-M-23450 of 2018

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

CRM-M-23450 of 2018
Date of Decision: 12.07.2018

Joginder Pal

....Petitioner

Versus

Joginder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. P.S. Rai, Advocate,
for Ms. Ambika Bedi, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for setting aside order dated 30.10.2017 (Annexure P-3) of the learned Judicial Magistrate Ist Class, Phillaur, dismissing the application of the petitioner under Section 311 Cr.P.C. for summoning two additional defence witnesses after closure of his defence.

In nutshell, in complaint filed by respondent under Section 138 of the Negotiable Instruments Act, petitioner was summoned and tried. He was afforded opportunity for leading his defence evidence. After examination of two witnesses in defence, petitioner closed his defence evidence. At the arguments stage, petitioner moved an application under Section 311 Cr.P.C. for summoning officials of post office and concerned bank to prove that address of the petitioner is different from the address given in the complaint filed by the respondent. Therefore, he was never served any legal notice.

Learned counsel for the petitioner *inter alia* contends that trial

Court failed to appreciate that fresh evidence to be led by the petitioner in his defence was necessary to be recorded for just decision of the case.

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Having given considerable thought to the submissions made by learned counsel for the petitioner, I find instant petition completely devoid of any merit inasmuch as during trial or at the time of adducing his defence evidence, petitioner never pleaded or took any plea that he was not residing at the given address and was never served any notice.

Trial Court has observed that during cross-examination, petitioner never disputed his address given in the plaint nor the receipt of legal notice. Rather he himself voluntarily closed his defence evidence. Observation of the trial Court clearly speaks that sole motive behind evidence sought to be led by the petitioner at this belated stage is to delay the trial and to confuse the matter.

In view of above, petition is dismissed.

July 12, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

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