

201.

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

CRM-M-25958-2017

Date of decision:01.10.2018.

SH. NARESH KUMAR

... Petitioner

versus

M/S SHARDA SUMAN ENTERPRISES AND ANOTHER ... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Varun Garg, Advocate,
for the respondents.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is to set aside the order dated 10.07.2017 passed by learned Judicial Magistrate Ist Class, Rewari whereby the evidence of the petitioner-complainant was closed by court order.

Learned counsel for the petitioner has argued that on 22.05.2017, petitioner-complainant was partly examined and his further cross-examination was deferred on the request of the defence counsel. The case was adjourned to 31.05.2017 for completion of the cross-examination of PW4 as well as remaining evidence of complainant and it was made clear that it is the last opportunity. Thereafter on 31.05.2017, PW4 Naresh was examined in the case and his cross-examination was recorded. Case was adjourned for 03.07.2017 for remaining evidence of the complainant at his own responsibility and it was again shown as last opportunity. But on

03.07.2017, no PW was present and the case was adjourned to 10.07.2017 with last opportunity and it is thereafter on 10.07.2017, evidence of the complainant was closed.

Learned counsel for the respondents has argued that despite having been granted numerous last opportunities, petitioner has failed to conclude his evidence. Apart from the fact that present is an old case, petitioner is intentionally delaying the trial.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is a complainant in the case and on 22.05.2017, one witness was partly examined and case was adjourned to 31.05.2017 for completion of cross-examination of PW4 as well as the evidence of the complainant and on 31.05.2017, PW4-Naresh was cross-examined though the case was adjourned for 03.07.2017 for remaining evidence of the complainant, this Court finds that though ample opportunities were granted to the petitioner, but still in the interest of justice and that too when the petitioner is a complainant, one last opportunity is granted to the petitioner to conclude his evidence, however, subject to payment of Rs.30,000/- as cost payable to the respondents.

Accordingly, petitioner shall be afforded one effective opportunity to conclude his evidence. The payment of cost would be a condition precedent to avail another opportunity to lead his evidence.

Disposed of.

(HARI PAL VERMA)
JUDGE

01.10.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.