

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-29149-2018

Date of Decision:14.08.2018

M/s D.L. Lamba & Sons

.....Petitioner

Versus

D.S. Pannu & Associates
Private Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 28.05.2018 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Yamuna Nagar, whereby application filed by the petitioner-complainant under Section 311 Cr.P.C., seeking summoning of Sh. Rajiv Gupta, Chartered Accountant of M/s Rajiv Sat Bhushan & Associates, was dismissed.

Notice of motion was issued in this case.

Mr. D.K. Singal, Advocate, has put in appearance on behalf of the respondents and filed his power of attorney, which is taken on record. He fairly states that the respondents shall have no objection in case one opportunity is granted to the petitioner to examine the said witness.

Learned counsel for the petitioner has argued that the necessity to examine Sh. Rajiv Gupta, C.A. as prosecution witness has arisen when

the complainant realized that the defence has tendered in evidence the statement of account and audit report, which is absolutely false. Therefore, the complainant wishes to summon true and complete record submitted by the respondents-accused before the income tax department.

I have heard learned counsel for the parties.

Considering the fact that the respondents have accepted the prayer that they have no objection if one opportunity is granted to the petitioner-complainant to examine Sh. Rajiv Gupta, C.A., the present petition is allowed, order dated 28.05.2018 (Annexure P-4) is hereby set aside and the petitioner is granted one opportunity to examine Sh. Rajiv Gupta, Chartered Accountant of M/s Rajiv Sat Bhushan & Associates.

August 14, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No