

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35189-2018

Date of Decision:-16.08.2018

Naginder Singh

... Petitioner

Versus

The Primary Cooperative Agriculture Development Bank, Ferozepur

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.K. Thakur, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner assails order dated 25.07.2018 whereby a revision petition filed by the petitioner-accused challenging order dated 19.5.2017 has been dismissed.

The order dated 19.05.2017 passed by learned Judicial Magistrate Ist Class, Ferozepur reads as follows:-

“CW Sahib Ram is present and examined. Learned counsel for the complainant has closed the evidence on behalf of the complainant bank. Now to come up on 24.05.2017, for recording the statement of accused under Section 313 Cr.P.C.”

The petitioner is facing trial in respect of an offence under Section 138 of Negotiable Instruments Act, 1881. When the matter was at the stage of recording of evidence of the complainant, both the parties

submitted before the learned Trial Court on 27.01.2017 that there are chances of compromise and the matter was put up before the Lok Adalat. However, compromise could not be effected as has been recorded in order dated 11.02.2017 and the matter was adjourned to 29.03.2017 for the purpose already fixed i.e. for recording cross-examination of the complainant.

However, upon request made by learned defence counsel for adjournment, the matter was adjourned on 29.03.2017 to 30.03.2017. Though the witness Sahib Ram was present on 30.03.2017 but was not cross-examined and an application for production of record was moved by accused which was allowed and the matter was thereafter adjourned to 12.04.2017 for cross-examination of complainant. Although on 12.04.2017, witness CW-Sahib Ram was again present but was again not cross-examined by learned defence counsel, who requested for yet another adjournment and matter was adjourned to 11.05.2017. On 11.5.2017 it was adjourned to 15.05.2017 as complainant failed to turn up despite case being called several times. On 15.05.2017, another request for adjournment was made on behalf of the accused. Although the witness was present on 15.05.2017 but adjournment was granted subject payment of ₹700/- as costs and the matter was adjourned to 19.05.2017 on which date the witness was examined and the complainant closed his evidence and the matter was adjourned for recording statement of accused under Section 313 Criminal Procedure Code, 1973.

The aforesaid position reflects that sufficient opportunities had been afforded to the accused to cross-examine CW-Sahib Ram. As such, the

order passed by learned Additional Sessions Judge while dismissing the revision petition against order dated 19.05.2017 does not call for any interference and the same is upheld. Consequently, I do not find any merit in the revision petition, the same is hereby dismissed.

16.08.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No