

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45733-2017

Date of decision : 12.1.2018

Manjinder Singh

... Petitioner

VERSUS

HDFC bank Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Anant Bir Singh Sidhu, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 Cr.P.C. for setting aside order dated 26.10.2017 (Annexure P-3) passed by Additional Sessions Judge, Bathinda and 28.2.2017 (Annexure P-2) passed by Judicial Magistrate, 1st Class, Bathinda.

The facts necessary for disposal of this petition are culled out by the revisional Court in para 6 as under : -

“6. From the perusal of judicial file, this Court finds that accused-revisionist has been facing trial in a criminal complaint filed by HDFC Bank under Section 138 of Negotiable Instrument Act. A perusal of the record of lower Court shows that this complaint is pending since 18.2.2014. Summoning order against the accused was passed on 25.2.2014 and the accused put in appearance on 5.11.2015 and was released on bail. Thereafter notice of accusation was served upon the accused on 17.12.2015. After service of notice, the case was directly put for cross-examination of complainant and due to over sight affidavit of Sukhpreet Singh could not be placed on file, as earlier Jagjot Singh Assistant Manager was contesting the case on behalf of the bank. CW 1 Sukhpreet Singh has been cross-examined at length by the learned defence counsel but only due to over sight his affidavit by way of chief examination could not be tendered.....”

The complainant moved an application for permission to place on record and tender into evidence affidavit which was allowed by learned trial Magistrate vide order dated 28.2.2017. The revision filed against the said order was dismissed vide impugned order dated 26.10.2017.

I have heard the learned counsel for the petitioner and gone through the record.

It seems that the learned Judicial Magistrate, 1st Class exercised the power under Section 311 Cr.P.C. which are wide enough. By passing the impugned order, neither any *lacuna* has been covered up nor any prejudice has been caused to the petitioner.

No ground is made out for interference in the impugned order.

Dismissed.

January 12, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No