

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2018.11.27 10:34
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CRM-37676-2018 in/and
CRM-M-47077-2017
Date of Decision: 21.11.2018

Navdeep Kumar

...Petitioner

vs.

Upma

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. T.P.S. Tung, Advocate for, the non-applicant/petitioner.

Mr. G.S.Sandhu, Advocate, for the applicant/respondent.

ARVIND SINGH SANGWAN,J

CRM-37676-2018

Prayer in this application is for preponing the date of hearing in the main case.

Since the counsel for the non-applicant/petitioner has no objection to the same, the application is allowed and main case is taken up on Board today itself.

CRM-M-47077-2017

Prayer in this petition is for setting aside the order dated 17.07.2017 (Annexure P1) passed in criminal complaint i.e. NACT No. 717/2015 dated 22.12.2015 vide which the cross-examination of respondent-Upma was treated as "Nil" and order dated 25.10.2017 (Annexure P4) vide which the application filed by the petitioner under Section 311 Cr.P.C. for examining the respondent as a witness was dismissed.

At the very outset, counsel for the respondent has submitted that he has no objection if one opportunity is granted to the petitioner to cross-examine respondent-Upma.

In view of the same, this petition is allowed. The impugned order dated 17.07.2017 (Annexure P1) vide which the cross-examination of respondent-Upma was treated as “Nil” is set aside and one effective opportunity is granted to the petitioner to cross-examine the respondent.

It is, however, made clear that petitioner will not seek unnecessary adjournments as the complaint pertains to the year 2015.

Since, order dated 17.07.2017 (Annexure P1) is set aside, counsel does not press his prayer qua order dated 25.10.2017 (Annexure P4).

The trial Court is directed to fix one date for cross-examination of the respondent on the next date of hearing fixed before the trial Court.

21.11.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No