

277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50536-2018 (O&M)
Date of decision: 22.11.2018

Nikhil Sahota

...Petitioner

Versus

Sanjeet Singh @ Gaurav

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Aakash Kumar Gupta, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition under Section 482 of Cr.P.C. has been filed for quashing of the impugned order dated 30.10.2018 (Annexure P-2) whereby, the application filed by the complainant/petitioner, for declining to the accused opportunity to cross-examine the complainant's witness, was dismissed.

At the outset, counsel for the complainant submits that the impugned order passed by the trial Court is not factually correct. This order records that the complainant is being granted opportunity to lead the evidence, subject to payment of Rs.800/- as costs to the accused. This order also records that the previous costs of Rs.500/- is also not paid. Counsel points out that in fact, this cost of Rs.500/- was imposed upon the accused; vide order dated 31.07.2018; and hence vide order dated 26.09.2018, the complainant came present before the Court for cross-examination by the accused, as is evident from the orders passed by the trial Court also. However, the accused had not cross-examined the complainant. The trial Court has granted as many as 10 effective opportunities to the accused to cross-examine the complainant and out of which; 6 opportunities happen to be the last and final opportunities; accompanied with costs imposed upon the accused. Therefore, it is submitted that the intention of the accused is only to delay the conclusion of the trial. Hence, it is prayed that the application of the petitioner be ordered to be allowed. The accused be denied any further opportunity to cross-

Although, the learned counsel for the petitioner has rightly pointed out that the accused has been trying to prolong the decision of the case, however, it would be travesty of justice, if the accused, who has remained under a mistaken impression that he can drag the proceedings as per his choice, is suddenly denied the opportunity to cross-examine the complainant. Therefore, this Court finds that by granting one more opportunity to the accused to cross-examine the complainant/witness, the Court has not committed any illegality or irregularity, except that the cost imposed upon the accused should be higher.

However, the grievance of the complainant is also justified because the trial of an offence under Section 138 of the Negotiable Instruments Act is mandated to be completed within six months, whereas the case is pending since 2017. Therefore, it would not be unjustified, if the trial Court is directed to conclude the trial within a time bound frame, by limiting any further opportunity to the accused to cross-examine the complainant.

Accordingly, the present petition is disposed of with a direction that the accused shall be granted one last opportunity to cross-examine the complainant/witness on the next date of hearing fixed before the trial Court i.e. 27.11.2018, subject to payment of Rs.5,000/- as costs, to be paid to the complainant.

It is further directed that the trial Court shall not grant any further opportunity to the accused to cross-examine the complainant/witness. Still further, it is directed that the trial of the case itself be completed within a period of three months from the next date fixed before the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

22.11.2018
Hemlata

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