

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-53974-2018

Date of Decision: 06.12.2018

Prem Chand and others

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. RD Sharma, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing/setting aside impugned order dated 29.09.2018 (Annexure P-11), passed by the Sub Divisional Judicial Magistrate, Pehowa, whereby application of the petitioners-accused, for adjournment to cross-examine PW Nos. 2 and 3, namely; Vakil Chand and Gian Chand, on account of absence of counsel for the petitioner, due to illness of his father, was rejected and their cross-examination on behalf of the petitioners was treated as 'Nil'.

Heard.

Perusal of impugned order Annexure P-11, shows that the same is perfectly legal, inasmuch as, three effective opportunities had already been afforded to the petitioner to cross-examine PW Nos. 2 and 3, but the petitioners or their counsel did not cross-examine them, despite imposition of costs on two occasions.

However, in the interest of justice, the impugned order dated

29.09.2018 (Annexure P-11) is set aside. Trial Court is directed to afford one opportunity to petitioners to cross-examine the aforesaid prosecution witnesses, subject to costs of ₹ 5000/- to be deposited with the District Legal Services Authority, Kurukshetra.

Disposed of, accordingly.

December 06, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No