

**253 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-3142-2018 (O&M)

Date of decision: 27.11.2018

Seema Singla

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Ankur Mali, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr.Amit Chaudhary, Advocate,
for respondent Nos.2 & 3.

JAISHREE THAKUR, J. (ORAL)

By way of instant revision petition, the petitioner seeks to challenge the impugned order dated 05.09.2018 passed by the Judicial Magistrate Ist Class, Ambala by which evidence of the prosecution was closed on the ground that PW Kanta had failed to put in an appearance despite the fact that she was bound down.

Learned counsel appearing on behalf of the petitioner herein prays for one opportunity for the petitioner PW Kanta to put in an appearance for her cross-examination. It is contended that on the day she was bound down, she was unwell and unable to appear in Court.

Learned counsel appearing on behalf of the respondent-State argues that the order so passed, takes into account the fact that the petitioner

herein failed to put in appearance on several occasions. Last opportunity had been allowed to her on 03.05.2018 on which date she failed to be present and subsequent thereto the matter was adjourned on several occasions only to give her an opportunity to give her cross-examination.

Appearance has been caused by Mr. Amit Chaudhary, Advocate on behalf of respondent Nos.2 & 3, who very fairly contends that he would have no objection in case the petitioner herein is permitted one opportunity for her cross-examination. It is contended that the matter is listed for 28.11.2018, on which date the petitioner herein should present herself.

I have heard learned counsel for the parties and have also perused the impugned order.

It is quite apparent that the petitioner herein has been availing several opportunities to be present in Court and has been seeking exemption and not appearing on Court on the dates so mentioned. The impugned order also reflects that warrants of arrest have also issued against her time and again and her cross-examination has been deferred. However, in the interest of justice, one opportunity is given to the petitioner herein to present herself for her cross-examination on the date already fixed i.e. 28.11.2018. This order is being passed in presence of the petitioner and she is aware of the same. The impugned order is set aside subject to payment of ₹ 3,000/- as costs to be deposited with the Haryana State Legal Services Authority, Ambala.

Petition stands disposed of.

Let a copy of this order be given to counsel for the parties under the signatures of the Court Secretary.

27.11.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.