

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Criminal Revision No.3227 of 2018 (O&M)
Decided on:-September 27, 2018.

Viraj Aggarwal.

.....Petitioner.

Versus

M/s Esha Strips (P) Ltd.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Ravi Malik, Advocate for
 Mr. Sanjeev Kr. Panwar, Advocate
 for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner, who is an accused in a complaint filed by the respondent-complainant under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act), has filed the present revision petition against the order dated 29.08.2018 passed by learned Judicial Magistrate 1st Class, Faridabad, whereby right of the petitioner-accused to cross-examine the complainant as provided under Section 145(2) of the Act has been closed by court order.

Perusal of the impugned order dated 29.08.2018 passed by learned Magistrate reflects that the petitioner-accused has been granted three opportunities to cross-examine the complainant, but he did not cross-examine the complainant despite having been granted last opportunity subject to payment of Rs.1,000/- as costs.

Through the instant petition, the petitioner seeks one more opportunity to cross-examine the complainant. The opportunity to cross-examine the complainant started on 20.02.2018 and after a lapse of more than seven months, the complainant has not been cross-examined, rather, the complainant has been made to suffer to attend the Court on each and every date of hearing. The petitioner-accused has already been afforded three opportunities including last opportunity with costs to cross-examine the complainant. Therefore, this Court finds that though the petitioner does not deserve any further opportunity, however, in the interest of justice, one more opportunity is granted to the petitioner-accused considering his plea that he was confined to bed and was advised bed rest by Batra Hospital and Medical Research Centre, New Delhi on account of acute gastroenteritis.

Accordingly, the present petition is disposed of and the petitioner-accused is granted one more opportunity to cross-examine the complainant subject to payment of Rs.20,000/- as costs to be paid to the complainant. Payment of costs will be a condition precedent to avail the opportunity to cross-examine the complainant.

September 27, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No