

Sr. No.111

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

CRR-3655-2018(O&M)
Date of decision:31.10.2018

M/s Verma Udyog(India)(Regd.) and another
.....Petitioners

versus

Rajiv Kumar
.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikas Bali, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

CRM-38777-2018

Allowed as prayed for.

CRR-3655-2018

Challenge in the present petition is to the Order dated 17.09.2018; passed by the Judicial Magistrate Ist Class, Ludhiana vide which the opportunity of cross-examining the Complainant by the petitioner has been closed.

A bare perusal of the Order impugned by the petitioner shows that the Court has not committed any illegality or impropriety in passing the order. Therefore, in the first instance, this Court does not find any ground to interfere with the same.

However, since the petitioner is accused in the Complaint, therefore, even his alleged but mis-conceived impression could have been countenanced by the Court below, just to ensure that he does not have any grievance that he has not been granted a fair opportunity to defend himself.

Therefore, keeping in view the interest of justice, it would not be unjustified, if the petitioner is granted one effective opportunity to cross-examine the Complainant, of-course, by putting him to some costs.

In view of the above, purely keeping in view the interest of justice, the petitioner is granted one effective opportunity to cross-examine the Complainant; subject to payment of Rs.11,000/- as costs, to be deposited with the Institute for the Blinds, Sector: 26, Chandigarh. The Trial Court is directed to afford one effective opportunity to cross-examine the Complainant, on production of the receipt of deposit of the cost before it.

However, this Court also find that Complaint is, way back, of the year 2016 and the same was required to be decided within a period of 06 months. Therefore, this Court finds that even the trial itself deserve to be decided at an early date. Accordingly, it is further directed that the Trial Court shall fix the date on weekly basis and shall conclude the trial within a period of 02 months, from the next date of hearing fixed before the Court below i.e.12.11.2018.

Disposed of.

31st October, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*