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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 12:16
I attest to the accuracy and
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CRM-M-56030-2018 (O/M)
Date of decision : 17.12.2018

Ashok Kumar

..... Petitioner (s)

Versus

Union Territory, Chandigarh, and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ferry Sofat, Advocate,
for petitioner.

-:-

-:-

KULDIP SINGH, J. (ORAL)

Heard.

The learned counsel for petitioner contends that in proceedings under Section 138 of Negotiable Instruments Act, 1881, evidence of petitioner was closed by orders within six days on the first date, fixed for defence evidence. He moved an application under Section 311 Cr.P.C. to summon defence witnesses, which was dismissed by learned Judicial Magistrate 1st Class, Chandigarh, vide order dated 6.2.2018 (Annexure-P-3). His revision was also dismissed by learned Additional Sessions Judge, Chandigarh, vide order dated 2.11.2018 (Annexure-P-5).

The learned counsel for petitioner contends that petitioner wants only one opportunity to produce defence witnesses, at his own risk and responsibility and will not seek any other date to produce his defence witnesses.

In these circumstances, without issuing notice to opposite party, impugned order dated 2.11.2018 (Annexure-P-5), passed by learned Additional Sessions Judge, Chandigarh, affirming order dated 6.2.2018 (Annexure-P-3), passed by learned Judicial Magistrate 1st Class,

Chandigarh, is modified to the extent that petitioner shall be granted only one opportunity to produce his defence witnesses, under his own risk and responsibility, on the date to be fixed for hearing before trial Court after today and examine them. It is made clear that no further time shall be granted.

In view of above, petitioner is disposed of.

(KULDIP SINGH)
JUDGE

17.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No