

S.No.123

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

CRM-M-461 of 2019 (O&M)

Date of Decision:10.01.2019

NeetuPetitioner

Vs.

R. Arora AssociatesRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gourav Goel, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C praying for quashing of order dated 12.03.2018 passed by learned Judicial Magistrate Ist Class, Ludhiana whereby the defence evidence of the petitioner was closed by order of the trial Court.

Counsel for the petitioner has contended that while denying the charge, the petitioner-accused has specifically denied the signatures on the cheque involved in the complaint. For that, the petitioner intended to examine the handwriting expert; to disprove the factum of existence of the signatures of the petitioner on the cheque. However, he could not examine the said witness earlier due to unavoidable circumstances. Thereafter, the trial Court closed the defence evidence of the petitioner. Hence, the petitioner has been denied opportunity to defend himself properly. It is further contended by the counsel that although the petitioner had filed criminal revision before the Court of Additional Sessions Judge, Ludhiana challenging the order impugned in the present petition, however, the same was dismissed as non-maintainable, being against an interim order. Hence, the present petition has been filed.

Having heard the learned counsel for the petitioner and perused the file, this Court finds that the petitioner has already been granted sufficient opportunities to lead the defence evidence. This fact is also mentioned in the impugned order. Hence, this Court does not find any illegality or irregularity, per se, in the order impugned in the present petition.

However, lest the petitioner should have any perception that he has not been granted proper opportunity to defend himself, it would not be unjustified if the petitioner is granted one more opportunity to lead whatever evidence he wants to lead in his defence, including the examination of the Handwriting Expert. However, since the petitioner has already availed sufficient opportunities which led to consumption of the Court time, therefore, such an opportunities, to lead the evidence deserves to be granted only by putting the petitioner to appropriate financial burden.

In view of the above, the present petition is disposed of with a direction that the trial Court shall grant one effective opportunity to the petitioner to lead his defence evidence; at his own risk and responsibility. This is subject to the petitioner's paying a cost of Rs.15,000/-. The cost shall be deposited by the petitioner with the Institute for Blinds, Sector 26, Chandigarh. The trial Court shall grant the opportunity to the petitioner to lead the evidence only after he presents before it the receipt of having deposited the cost ordered above.

Since the complaint is of the year 2016 and more than required time has already been taken in finally deciding the case, therefore, it is further directed that the petitioner shall be granted opportunity to complete

his evidence only within a period of one and half months. The trial itself shall be finally decided within a period of two months from the date of receipt of the certified copy of this order.

January 10, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No