

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10122-2019
DECIDED ON: 06.05.2019

SURINDER KUMAR

...PETITIONER..

VERSUS

ANIL KUMAR SAINI AND ANR.

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sunil Kumar Bhorla, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition, challenge has been laid to order dated 08.01.2019 (P-1), whereby revisional court, dismissed the revision petition filed by the petitioner for setting aside order dated 11.10.2018 (P-2) of the trial court, dismissing his application under Section 311 Cr.P.C. for recalling the complainant for further cross-examination.

Briefly, in a complaint filed by respondent-complainant against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act"), on the date of final arguments, the petitioner by changing his counsel moved an application under Section 311 Cr.P.C. to recall the respondent-complainant for his further cross-examination.

Heard.

The cases under Section 138 of the Act are mainly to be decided on the basis of affidavit and counter affidavit.

Perusal of impugned orders of both the courts below shows that after recording the statement of the petitioner under Section 313 Cr.P.C., several opportunities were afforded to him to conclude his evidence, but he did not ever opt to summon the complainant afresh for further cross-examination. It is only at the stage of final arguments, the petitioner by changing his counsel, came forward by moving an application under Section 311 Cr.P.C. to recall the respondent-complainant for further cross-examination, which certainly amounts to gross abuse of the process of law.

I have gone through the impugned orders and find no illegality and infirmity in the same. Hence, the same are upheld. As such, the instant petition is dismissed.

06.05.2019*sonika***(RAMENDRA JAIN)
JUDGE****Whether speaking/reasoned
Whether reportable****Yes/No
Yes/No**