

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6771-2019 (O&M)
Date of decision: 13.02.2019

Sukhwinder Singh

....Petitioner

versus

Manoj Goyal

....Respondent

CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 07.11.2017 (Annexure P-9), passed by learned Judicial Magistrate, Ist Class, Ludhiana, vide which the application filed by the respondent/complainant for re-examination of complainant, was allowed.

The respondent had filed a complaint bearing No.COMA/4324/2015 dated 14.07.2015 titled as Manoj Goyal vs. Sukhwinder Singh (Annexure P-1) against the petitioner under Section 138 of Negotiable Instrument Act.

The complainant appeared and was cross-examined. Later on, he filed an application praying for his re-examination. In the application, it was mentioned that he was partner of Savita Forging Industries Ltd., Singhal Cycle Road, Dhandari Kalan, Ludhiana and wished to place on

record partnership deed of the firm. It was argued that though the partnership deed was already on the judicial file, it could not be exhibited during his evidence. On behalf of the petitioner, it was argued that the application is not maintainable and that it amounts to filling up the lacuna in the evidence of the case of the complainant. It was argued that previously also an attempt was made by the complainant to exhibit the partnership deed through his accountant but the application was dismissed by learned Judicial Magistrate, Ist Class, Ludhiana vide his order dated 01.12.2016. The complainant filed a revision against the said order which was allowed by the then Sessions Judge, Ludhiana. However the said witness has not been examined by the complainant. It was also argued that the complaint has been filed by the complainant in his personal capacity and hence there was no need to take on record the partnership deed.

Learned Judicial Magistrate, Ist Class, Ludhiana vide impugned order, noted that the complainant has been examined by the defence qua his partnership deed. Whether or not the document has any effect on the outcome of the case, was a matter of appreciation of evidence and could not be gone into in the midst of the trial. Considering that the document was relevant, the application of the complainant was allowed. He was allowed to be re-examined for the limited purpose of tendering the partnership deed on record and not on other aspects qua which his cross-examination has already been effected. Such re-examination shall be read in continuation of his previous cross-examination. The complainant was also burdened with cost of Rs.3,000/-.

Learned trial Court has exercised its discretion in the matter and permitted re-examination of the complainant for the limited purpose of tendering the partnership deed.

There is no illegality in the order warranting interfere.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

13.02.2019

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Whether speaking/ reasoned:	Yes
Whether Reportable:	Yes/No