

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-9565-2019 (O&M)
Date of Decision: May 13, 2019

M/s Goyal Sons through its partners and others

... Petitioners

Versus

Hanuman Singla

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sanjeev Roy, Advocate,
for the petitioners.

Rajbir Sehrawat, J. (Oral)²

Present petition has been filed under Section 482 Cr.P.C. for setting aside the impugned order dated 08.01.2019 (Annexure P/1) passed by learned Judicial Magistrate 1st Class, Jalandhar in complaint No. NACT/4328 of 2016 titled “Hanuman Singla vs. M/s Goyal Sons and others” whereby defence evidence of the petitioners has been closed.

It is submitted by the learned counsel for the petitioners that the evidence of the petitioners has been wrongly closed by the Court. The petitioners had summoned the witness from the office of D.T.O., Jalandhar. However, the report had come that he had already gone to attend to some other Court at Patiala. Therefore, the petitioners could not examine the said witness. It is further submitted that prior to that also, the petitioners were caught in an unfortunate situation; as the father of petitioner no.2 had got brain hemorrhage. Therefore, they could not lead evidence in their defence.

I have heard learned counsel for the petitioners and perused the paper-book.

Perusal of the impugned order shows that after the recording of

statement under Section 313 Cr.P.C. on 23.01.2018, the petitioners have already been granted as many as nine opportunities for concluding their evidence in defence. However, despite that, the petitioners have chosen not to complete the defence evidence. Therefore, this Court does not find any illegality or impropriety in the order passed by the Court below, so far as merits of the case are concerned.

However, since the petitioners are the accused; who are to defend the charge against them; which otherwise can land them into jail, therefore, lest the petitioners should have any impression, though mistaken, that they have not been granted proper opportunity to defend themselves, it would be justified to grant them one more opportunity to lead in defence evidence, whatever they want to lead, but by putting them to some appropriate financial burden.

In view of the above, present is disposed of with a direction that the petitioners shall be granted one effective opportunity by the Trial Court to lead their evidence in defence, at their own risk and responsibility, however, subject to payment of Rs. 15,000/- as cost. It is further ordered that the amount of costs shall be deposited by the petitioners with the Institute for Blind, Sector 26, Chandigarh.

However, it is further clarified that the trial Court shall grant the opportunity to the petitioners only after they produce before the trial Court a receipt for having deposited the costs, as mentioned above.

May 13, 2019
vkd

(Rajbir Sehrawat)
Judge

Whether reasoned / speaking : Yes
Whether reportable : No