

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

Sr. No.131

**CRM-M-14150 of 2019
DECIDED ON: March 28, 2019**

NAZAM SINGH

..PETITIONER

VERSUS

SAMEER KANSAL

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. J.K. Singla, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner challenges order dated 01.03.2019 passed by learned Sub Divisional Judicial Magistrate, Phul, whereby the application of the petitioner under Section 311 Cr.P.C. has been rejected.

Learned counsel for the petitioner submits that in the cross-examination of the complainant, he has admitted that he does not have any money lending licence and that he has not lent money to any other person apart from the petitioner. This fact is incorrect because after conclusion of the cross-examination of the complainant, the petitioner acquired knowledge of another pending case under Section 138 of Negotiable Instruments Act, 1881 filed by the petitioner against a third party. Thus, it is essential to subject the complainant to further cross-examination and such a course would enable the Court to arrive at the truth of the matter. The

CRM-M-14150 of 2019

trial Court was in error in concluding that the further cross-examination of the complainant is not relevant for the just and final decision of this case.

It appears that the petitioner wants to defeat the complaint by establishing that a loan was advanced by the complainant-respondent without possessing a money lending licence and therefore, the transaction is illegal. To this end, the accused-petitioner can always lead evidence in defence. Further cross-examination of the complainant is not necessary and thus, I do not find any error in the order of the trial Court.

The petition is accordingly dismissed.

March 28, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No