

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

CRM-M-26996 of 2017 (O&M)

Date of Decision:13.05.2019

Udai Singh @ Udhay Singh

....Petitioner

Versus

Meera Mahajan

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Rahul Bhargava, Advocate
for the respondent.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C. read with Section 311 Cr.P.C. for setting aside the order dated 14.10.2016 (P-4) passed by learned Judicial Magistrate First Class, Amritsar and the order dated 24.05.2017 (P-5) passed by learned Additional Sessions Judge, Amrtisar, whereby the application for leading additional evidence moved by the petitioner under Section 311 Cr.P.C. for summoning the witness M/s V.P. Mahajan & Co. alongwith balance sheet of Meera Mahajan and Sunil Mahajan for the year, 2011 to 2015 has been declined and the revision petition filed by the petitioner against the said order has also been dismissed.

It is contended by learned counsel for the petitioner that he wishes to produce witness M/s V.P. Mahajan & Co. alongwith balance sheet of Meera Mahajan and Sunil Mahajan for the year, 2011 to 2015 as that will go to the root of the case and this is very much necessary for proper adjudication of the matter.

Learned counsel for the respondent has no objection in case the present petition is allowed and the impugned orders are set aside subject to payment of some reasonable costs.

Heard learned counsel for the parties and perused the paper-book.

Perusal of the paper book reveals that learned trial Court has dismissed the application only on the ground that the same was moved at a belated stage. Since, there is no objection raised by learned counsel for the respondent in case the present petition is allowed and the impugned orders are set aside.

Consequently, the orders dated 14.10.2016 and 24.05.2017 are set aside and the present petition is allowed subject to payment of costs of Rs. 5,000/- to be paid to the respondent within 30 days from the receipt of copy of this order.

[MAHABIR SINGH SINDHU]
JUDGE

May 13, 2019

rashmi

Whether speaking/reasoned

yes

Whether reportable?

no