

142 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18293-2019 (O&M)

Date of decision: 29.04.2019

M/s Delhi Iron Steel Traders and another ...Petitioners

Versus

M/s Haryana Steel Mongers Pvt. Ltd.Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Suman Jain, Advocate, Advocate, for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in the present petition is for quashing of order dated 29.03.2019 (Annexure P-2) passed by Illaqa Magistrate/Judicial Magistrate 1st Class, Faridabad in a complaint case bearing No. NACT/1022/2017 dated 16.03.2017 titled as M/s Haryana Steel Mongers Pvt. Ltd. Vs. M/s Delhi Iron Steel Traders and another, whereby the evidence of the petitioners has been closed.

Learned counsel for the petitioners submits that the evidence of the petitioner has been wrongly closed by the Court below. In fact, an application for exemption from personal appearance was duly moved before the Court and the same was allowed as well, by the trial Court. Despite that, on the same date the evidence of the petitioners has been closed, thereby denying them the opportunity to defend themselves. Hence, the order passed by the trial Court deserves to be set aside and the petitioners deserve to be granted opportunity to lead the evidence.

The orders passed by the trial Court show that the petitioners were granted four opportunities to lead their evidence in defence. However, the petitioner No.2 had been seeking exemption from personal appearance

Therefore, there is no scope for interference in the orders passed by the trial Court, so far as the merits of the case are concerned.

However, since the petitioners are accused, who are facing criminal charges against them, lest they should have any perception, though totally mistaken, that they have not been granted proper opportunity to defend themselves, it would not be unjustified to grant them one more opportunity to lead whatever evidence they want to lead in their defence, however, by putting them to the appropriate financial burden.

Accordingly, the present petition is disposed of with a direction that the trial Court shall grant one effective opportunity to the petitioners to lead, whatever evidence, the petitioners want to lead in their defence. However, this opportunity is granted to the petitioners subject to payment of Rs.25,000/- as costs. It is further ordered that the above-mentioned amount of costs shall be deposited by the petitioners with the District Legal Services Authority, Faridabad. The trial Court shall grant one more opportunity to the petitioners to lead the evidence only after they produce the receipt before it for having deposited the amount, as ordered above.

(RAJBIR SEHRAWAT)
JUDGE

29.04.2019

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No