

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

122-6 cases

CRM-M-19851-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

2.

CRM-M-19886-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

3.

CRM-M-19957-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

4.

CRM-M-20193-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

CRM-M-19851, 19886, 19957, 20193,
20241 and 20679 of 2019 (O & M)

-2-

5.

CRM-M-20241-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

6.

CRM-M-20679-2019 (O & M)
Date of Decision:07.05.2019

M/s Mukesh Steels Limited

...Petitioner

Versus

M/s Swati Cast and Forge Private Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.C. Thatai, Advocate
for the petitioner(s).

MANOJ BAJAJ, J.

The petitioner is a complainant in six different complaints under Section 138 of the Negotiable Instruments Act, 1881 against the respondent (accused) for dishonour of different cheques. The proceedings in the complaint cases are taken together by the trial Court and the above petitions have been filed under Section 482 Cr.P.C. for setting aside the order dated 20.04.2019 (Annexure P-6) passed by the learned trial Court whereby evidence of the complainant stood closed by the Court order in each complaint case. Therefore, all these petitions are being decided together, by this common order.

Learned counsel for the petitioner-complainant contends that if

one opportunity is granted, the petitioner/complainant would adduce its

evidence and would offer himself for cross-examination. However, he is unable to establish that the impugned order passed by the learned trial Court is unjustifiable.

Learned counsel for the petitioner has fairly stated that enough opportunities were granted by the trial Court, however, the complainant could not conclude his evidence by offering himself for cross-examination till the trial Court finally closed his evidence by Court order. The zimni orders have been placed on record which have been perused. It is evident that on 29.07.2017, it was made clear by the trial Court that only three opportunities would be given for entire complainant's evidence. However, despite that the complainant kept on seeking adjournments and the Court had later on granted last opportunity on various occasions. Apparently, the approach adopted by the complainant is extremely casual and careless and the Court had rightly closed his evidence. It is pointed out that after closure of the evidence, no further proceedings had taken place before the trial Court, which is awaiting orders in the present petitions.

At this stage, learned counsel for the petitioner-complainant contends that one opportunity may be extended to the complainant/petitioner subject to payment of cost, otherwise, the complaint would be rendered meaningless.

Though, this Court does not find any fault with the approach adopted by the learned trial Court, as it was the complainant who had compelled the trial Court to pass the extreme order regarding closure of evidence. However, to afford one last opportunity to the complainant to adduce its evidence and offer himself for cross-examination, the impugned

CRM-M-19851, 19886, 19957, 20193,
20241 and 20679 of 2019 (O & M)

-4-

order is set aside. The evidence shall be brought by complainant at his own responsibility and no further date shall be granted by the trial Court for the said purpose. Complainant is burdened with costs of ₹10,000/- in each case.

It is made clear that the costs shall be paid by way of demand draft(s) in favour of the accused on the date fixed before the trial Court.

The petitions stand disposed off.

07.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No