

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23011-2019 (O&M)
Date of Decision:- 20.5.2019

Manuru Chakrapani Rao

... Petitioner

Versus

Rakesh Aggarwal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Gupta, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner/accused has approached this Court challenging order dated 30.3.2019 (Annexure P-5) passed by learned Sessions Judge, Bathinda, whereby a revision petition filed by him against order dated 11.3.2019 passed by learned Judicial Magistrate 1st Class, Bathinda closing his evidence, has been dismissed.
2. The learned counsel for the petitioner has submitted that the petitioner is facing trial in respect of a complaint filed under Section 138 of Negotiable Instruments Act, wherein he has been arrayed as one of the accused being Ex. Chief Financial Officer of 'M/s Cheema Spintex Limited'. The learned counsel for the petitioner has submitted that infact when the cheques in question were dishonoured he had already

left 'M/s Cheema Spintex Limited' and thereafter he has been serving in Hyderabad. The learned counsel has submitted that during the course of trial of the aforesaid complaint, he moved an application in terms of Section 315 Cr.P.C. seeking permission to step into the witness box, which was accepted. However, he could not appear before the trial Court immediately thereafter as he is presently employed in Hyderabad and on account of closing of the financial year, his employer did not relieve him and due to which he could not appear before the trial Court on two dates and thereafter his evidence was closed by order. The learned counsel for the petitioner has submitted that he may be granted one opportunity to step into the witness-box and that in case he is not granted the said opportunity, he will not be able to establish that he was no longer in service of 'M/s Cheema Spintex Limited', when the cheques in question were dishonoured.

3. Having heard the learned counsel for the petitioner and while taking a lenient view in the matter so as to ensure that the petitioner is able to defend himself, more particularly, when it is his own statement which he wishes to get recorded in his defence, the petition is accepted subject to payment of ₹ 3,000/- as costs, which shall be paid by the petitioner to the complainant in advance.
4. The trial Court, subject to payment of the aforesaid costs of ₹ 3,000/- in advance to the complainant, shall grant one opportunity to the petitioner to get his statement recorded in terms of Section 315 Cr.P.C. Since, a large number of identical complaints are stated to be pending

against the petitioner, the trial Court shall try to fix one or two dates in all the cases so as to ensure that the statement of the petitioner is recorded in all the cases on the said dates and the petitioner is not required to come time and again from Hyderabad for the purpose of getting his statement recorded.

5. The petition stands accepted accordingly.

May 20, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No