

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

**CRM No.M-5865 of 2015 (O&M)
Date of Decision: January 21, 2019**

Naveen Arora

...Petitioner

VERSUS

Central Bank of India

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harjot Singh Bedi, Advocate
for the petitioner.

Mr.R.S.Badhwan, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent Central Bank of India for quashing of order dated 17.01.2015 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the application filed by the petitioner under Section 315 Cr.P.C. has been dismissed.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

The perusal of the record shows that a complaint has been filed by Central Bank of India against Naveen Arora under Section 138 of the

Negotiable Instruments Act in the year 2012. The complainant, after

producing the evidence, closed the evidence. As per impugned order dated 17.01.2015, statement of the accused was recorded on 23.08.2014 and thereafter, accused was given four opportunities to lead evidence but accused failed to lead any defence. Then, defence of the accused was closed by order vide order dated 15.10.2014. Thereafter, accused filed application under Section 315 Cr.P.C. to get himself examined and one Clerk, Central Bank of India along with loan account statement and file. This application of the petitioner was dismissed by learned Court below by holding that if the defence is allowed, it would amount to review of its own order, which is not permissible.

The perusal of the record shows that complaint was pending since the year 2012 and the statement of the accused was recorded on 23.08.2014 and then within two months, his evidence was closed by order, which itself shows that proper opportunities were not given to the accused within reasonable time, which will prejudice the right of the accused. If the application is allowed, then no prejudice will be caused to the complainant as the complainant will get opportunity to cross-examine the witnesses.

In view of the above discussion, the application in question filed by the petitioner is allowed and impugned order dated 17.01.2015 passed by learned JMIC, Amritsar, is set aside. The accused is directed to lead defence evidence in two clear opportunities.

January 21, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No