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

Date of Decision: 23.01.2019

1. CRM-M-9727-2015 (O&M)

M/s Jindal Steel and Power Ltd.

...Petitioner

Versus

Kundlas Loh Udyog and others

...Respondents

2. CRM-M-9853-2015 (O&M)

M/s Jindal Steel and Power Ltd.

...Petitioner

Versus

Kundlas Loh Udyog and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Gurpreet Singh, Advocate
for the petitioner(s).

Mr. Satish Goyal, Advocate
for respondents No. 1 to 3.

RAMENDRA JAIN, J. (ORAL)

This common order shall dispose of above titled two petitions under Section 482 of the Code of Criminal Procedure, whereby, the complainant-petitioner has assailed order dated 14.08.2014 of the trial Court (Annexure P-1) dismissing its applications under Section 311 Cr.P.C. filed separately in two complaints under Section 138 of the Negotiable Instrument Act (in

short 'the Act') to produce ledger account; statement of the respondent and its sister concern in which the amount was transferred by the complainant on asking of the respondent-accused and his re-examination to prove the above facts.

Learned counsel for the petitioner contends that the trial Court has illegally dismissed the aforesaid application on the ground that it was filed at a belated stage. The re-examination of the complainant and production of ledger account of the accused and its sister concern would facilitate the trial Court to decide the case on merit in an effective manner.

On the other hand, learned counsel of respondents No. 1 to 3, vehemently opposing the submissions of the learned counsel for the petitioners, pleaded the legality and validity of the impugned order.

Having given thoughtful consideration to the rival submissions, this Court finds that the impugned order is liable to be set aside for the reasons to follow:-

1. The Courts are always required to impart justice to the parties before it.
2. Production of ledger account statement of the accused and its sister concern would definitely help the trial Court to decide the real controversy amongst the parties in an effective manner.
3. By production of above document and his re-examination, the petitioner wants to clarify the transaction which took place between him and respondents and nothing more.

4. No prejudice is going to be caused to the respondent-accused, in case, the petitioner is permitted to clarify the real controversy by his re-examination of production of ledger account.

In view of the above discussion, the impugned order is set aside. Resultantly, the application of the petitioners filed under Section 311 Cr.P.C. is allowed. The trial Court is directed to afford reasonable opportunities to the petitioner to re-examine the complainant and produce ledger account statement of the accused and its sister concern.

Disposed of.

23rd January, 2019

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**[RAMENDRA JAIN]
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No