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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31160-2019

Date of decision-20.08.2019

Subhash Thareja

...Petitioner

Vs.

M/s Delcray Cables Pvt.Ltd and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arpan Sabharwal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Subhash Thareja has filed this petition under Section 482 Cr.P.C for quashing of order dated 28.01.2019 (Annexure P-5) passed by Judicial Magistrate First Class, Ludhiana whereby application under Section 311 Cr.P.C filed by the petitioner/complainant was dismissed.

Learned counsel for the petitioner contends that cross-examination of the complainant (petitioner) was not conducted by the accused. He submits that the witnesses sought to be summoned through application under Section 311 Cr.P.C are necessary for effective adjudication of the complaint.

During the course of the argument, it is fairly conceded by learned counsel that the application filed by the complainant was the second application on the same subject as the similar application was disposed off on 20.11.2018 by the trial Court. It is also fairly stated by him that the

application was moved by complainant after closure of the defence evidence.

It is also not disputed that all the defence witnesses i.e. DW-1 and DW-2 were cross-examined by the complainant.

Since the accused has already portrayed his defence, therefore, allowing the application at this stage would cause serious prejudice to him.

Resultantly, this Court finds that the trial Court has rightly declined the prayer, therefore, no ground is made out for interference.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

20.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No