

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33089 of 2019
Date of Decision: 18.09.2019

Amarjit Singh

...Petitioner

VERSUS

Vinod Batra

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The petitioner has challenged order dated 24.07.2019 passed by Judicial Magistrate, Ist Class, Jalandhar, whereby defence evidence of petitioner was closed.

2. Perusal of order dated 24.07.2019 shows that on that day, Amrinder Singh, Bank official was present with record. Counsel for the accused (petitioner) did not examine him and insisted that he should bring Account Opening Form, which is lying in bank's head office at Mumbai. He put forth an argument that Account Opening Form of complainant was required for the sake of bringing on record his specimen signatures and they wanted to examine the expert.

3. Learned trial Court took note of the fact that after the case was fixed for defence evidence on 30.07.2018, no list of witnesses had been filed. The petitioner had been adopting dilatory tactics. Earlier he had not cross-examined a prosecution witness, namely, Vinod Batra (respondent) and at later stage moved an application for his recalling, which was allowed.

Again he avoided to cross-examine that witness and opportunity to cross-

examine was treated as nil. After much lapse of time, he again moved an application for seeking permission to cross-examine the said witness, which was again allowed subject to payment of costs of ₹5000/- to be deposited with District Legal Services Authority but he never paid the costs.

4. It is evident that the petitioner has never sought specimen signatures of complainant. The present complaint has been filed with the allegation that complainant had handed over a cheque bearing no. 050948 as security to the petitioner, who advanced him a loan of ₹2 lakhs. The said loan was repaid but the cheque was not returned. Thereafter, the petitioner filled up that cheque in the name of accused no.1-Subash Chander and presented the same in bank. The cheque was dishonoured and a complaint under Section 138 of the Negotiable Instruments Act was filed.

5. It is evident that complainant is admitting his signatures over the cheque given to the petitioner. It has not been disclosed as to with which other document the petitioner intends to get signatures of complainant compared with his specimen signatures. When issuance of cheque and signatures on the same by complainant is not denied, it appears that without any specific reason the petitioner is insisting on production of account opening form. The complaint was filed in the year 2010 and after expiry of a period of nine years, it is still pending at the stage of defence evidence. In case the petitioner intended to seek report of any expert he should have come forward with a list of witnesses, apprise the Court about his purpose of calling the expert and document with which he wants to get signatures of complainant compared with his specimen signatures.

6. Keeping in view above facts and circumstances, I find substance in the observations of learned trial Court that the petitioner is

simply delaying the case for one reason or the other and the evidence of the petitioner has been rightly closed by order.

This petition has no merit and the same is dismissed.

September 18, 2019

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*