

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

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**CRR No. 2619 of 2019
Date of decision : 13.12.2019**

Dr. Shashi Adlakha

.....Petitioner

Vs.

S.D. Jain (died) through LR

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Balraj Gujjar, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present revision petition has been filed against the impugned order dated 23.9.2019, passed by the Judicial Magistrate Ist Class, Faridabad, whereby opportunity for the petitioner/accused No.3 to cross examine the complainant stand dispensed with, in a complaint bearing No. NACT/4050-2016, filed under Section 138 of the Negotiable Instruments Act, 1881 and under Section 420 IPC, titled as S.D. Jain v. Gold Field Sanstha etc.

It is contended by learned counsel for the petitioner that the trial Court has wrongly dispensed with the opportunity of the petitioner to cross examine the complainant. The Court below is factually incorrect in writing that the petitioner has availed 9 opportunities for cross examining the complainant. The petitioner is not solely responsible for the 9 adjournments. Even the complainant had taken adjournments in interregnum. Still further, it is submitted that since the parties were in the process of compromising the matter, therefore, the complainant could not be examined. Thereafter, even the complainant had expired and was substituted by his legal representative. The petitioner needs only one opportunity to cross examine the substituted complainant.

Having heard learned counsel for the petitioner and having perused the file, this Court does not find any illegality or perversity with the order as such. Hence, this Court does not find any ground to interfere in the same.

However, the petitioner being an accused of an offence, for which she can suffer even imprisonment, therefore, lest the petitioner should have any impression, though totally misconceived that she has been denied due opportunity to defend herself, it would not be unjustified to grant one opportunity to the petitioner, however by putting her to appropriate financial burden.

In view of the above, the present petition is disposed of with a direction to the trial Court to grant one effective opportunity to the petitioner to cross examine the complainant/witness, as prayed in the application moved before the trial Court. However, this opportunity shall be granted to the petitioner subject to payment of Rs.10,000/-as costs, to be deposited with the District Legal Services Authority, Faridabad.

Perusal of the case file also shows that the complaint pertains to the year 2016. The same has already been inordinately delayed. Hence, the same deserves to be expedited for its disposal.

Hence, it is further directed that the trial of the case shall be completed by the trial Court within next 3 months. The trial Court shall also ensure that no unnecessary and frivolous applications; moved by either side; are permitted to delay the trial any more.

**(RAJBIR SEHRAWAT
JUDGE**

13.12.2019

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No