

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR No.2630 of 2019 (O&M)

Date of decision : 14.10.2019.

Tejpal Garg

... Petitioner

Versus

Ramesh Dudani and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Bhupender Singh, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 23.09.2019 whereby the application preferred by respondent No.1 under Section 311 Cr.P.C. for summoning the witness, namely, Diwan Sharma has been allowed.

Learned counsel for the petitioner contends that the name of the witness-Diwan Sharma was not mentioned in the list of witnesses and therefore, he could not have been summoned for examination by the trial Court through the impugned order.

Heard.

It is apparent from the perusal of the impugned order that the complainant had specifically referred to receipt dated 23.12.2013 which was Ex.C-8 in his complaint and the same was witnessed by Diwan Sharma. Therefore, it could not be said that Diwan Sharma could not have been summoned to be examined under Section 311 Cr.P.C.

Consequently, I do not find any manifest illegality in the order dated 23.09.2019 and the petition stands dismissed. Needless to state that the petitioner shall be accorded full opportunity to cross-examine the summoned witness.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2019
sonia gugnani