

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

141

CRM-M-45027-2019

Date of decision: 22.10.2019

Narender Kundu

....Petitioner

versus

Anil

....Respondent

CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Naveen Singh Panwar, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 25.09.2019 (Annexure P-1), passed by learned Judicial Magistrate Ist Class, Ganaur, whereby, cross-examination on behalf of the petitioner of CW-2 Navneet, Clerk, PNB has been recorded as nil.

The petitioner is an accused in complaint case No.248 of 2015 titled as "Anil vs. Narender Kundu". The complainant/witness CW-2 Navneet, Clerk PNB was present before the Court on 25.09.2019. His examination-in-chief was recorded. However, as counsel for the petitioner was not available, he could not be cross-examined and the impugned order was passed.

Learned counsel for the petitioner states that CW-2 could not be cross-examined on that date as the counsel for the accused was out of

station due to some personal reason. He states that counsel for the petitioner was present on two previous dates i.e. 24.08.2019 and 02.09.2019 when CW-2 was not available for examination. He states that failure on the part of the petitioner to cross-examine CW-2, was not intentional. He argues that if he is not permitted to cross-examine CW-2 he would suffer irreparable harm. He prays he be granted one opportunity to cross-examine the said victim.

In view of the facts and circumstances of the case, this petition is allowed. Learned trial Court is requested to give one effective opportunity to the petitioner to cross-examine CW-2, subject to payment of Rs.5,000/- as costs.

(HARINDER SINGH SIDHU)
JUDGE

22.10.2019
anju rani

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