

CRM-M-47221-2019

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

CRM-M-47221-2019

Date of Decision:05.11.2019

Rizwan Alam

... Petitioner

Versus

Ramesh Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (Oral)

This is a petition filed under Section 482 of the Code of Criminal Procedure, for setting aside the order dated 21.09.2019 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Jalandhar, vide which application filed by the petitioner-complainant for tendering his duly signed affidavit in support of evidence in Criminal Complaint No.NACT 3414 of 2017, titled as 'Rizwan Alam Vs. Ramesh Arora and another', under Section 138 of the Negotiable Instruments Act, has been dismissed.

I have heard learned counsel for the petitioner and gone through the impugned order.

It is a case in which the application was filed to place on record fresh affidavit of complainant, duly signed by him, at the stage when his cross-examination had already begun and he had already been cross-

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examined by the other side. The trial Court has rightly held that the application was filed by the petitioner to fill up the lacuna emerged during his cross-examination. Thus, in my opinion, no fault can be found with the conclusion drawn by the trial Court that filing of the application to place on record the affidavit is an afterthought based on expert advice.

In view of the above, I do not find any ground to interfere with the impugned order.

Finding no merit in the present petition, the same is dismissed.

05.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No