

CRM-M-48988-2019

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

CRM-M-48988-2019

Date of Decision: 20.11.2019

Harjit Singh

... Petitioner

Versus

Capital First Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. L.M.Gulati, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (Oral)

This petition has been filed challenging the order dated 18.10.2019 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Jalandhar, vide which oral evidence of the petitioner-accused in complaint case No.NACT/6332/2017 dated 12.09.2017, titled as 'Capital First Limited Vs. Riat Machine Tools and others', has been closed by the order of the trial Court.

Notice in this case is not being issued to the respondent as this would further delay the trial.

Learned counsel for the petitioner submits that the evidence of the complainant was completed on 5.7.2019 and the case was adjourned to 26.7.2019 for recording the statement of the accused-petitioner under Section 313 Cr.P.C. On 26.7.2019, after recording of statement of accused under Section 313 Cr.P.C., the case was adjourned to 23.8.2019 for defence

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evidence. Learned counsel further submits that on 10.9.2019, the petitioner undertook to conclude his evidence on the next day i.e. 30.9.2019. However, on 30.9.2019, the petitioner was given last opportunity to conclude his evidence on 18.10.2019, but on 18.10.2019, the petitioner could not conclude his evidence and the same was closed by order of the trial Court. Learned counsel further submits that the petitioner has been regularly appearing before the trial Court and only wants to examine himself and produce a bank official to bring on record the factum that he has already cleared the entire loan amount.

Without advertting to the merits of the case and keeping in view the above facts and circumstances, the present petition is allowed. The order dated 18.10.2019 (Annexure P-1) is set aside. The petitioner is granted one effective opportunity to conclude his entire evidence on the date already fixed before the trial Court i.e. 05.12.2019. The petitioner will pay Rs.5,000/- to the respondent as compensation before the trial Court.

20.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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