

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

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**CRM-M No. 49096 of 2019  
Date of decision : 20.11.2019**

**Davinder Singh**

**.....Petitioner**

**Vs.**

**Amandeep Singh**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Amandeep Singh, Advocate, for the petitioner

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**Rajbir Sehrawat, J. (Oral)**

The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of order dated 7.8.2019, passed by the Judicial Magistrate Ist Class, Ludhiana in Complaint bearing No. COMA-914 of 2015 dated 7.2.2015, vide which the defence evidence of the petitioner/accused has been closed.

The complaint under Section 138 of Negotiable Instruments Act, 1881 was filed in the year 2015. The evidence of the complainant was completed in this case long back. Thereafter, the petitioner/accused was also granted opportunity to cross examine the witnesses of the complainant. Subsequent thereto, the case was fixed for the defence evidence. However, the petitioner/accused did not lead defence evidence for 6 dates. Therefore, the trial Court has closed the defence evidence of the accused by order of the Court. It is this order dated 7.8.2019, which has been challenged in the present petition.

It is submitted by learned counsel for the petitioner that the petitioner could not lead the defence evidence, because of the complexity,

arising in the proceedings on account of right of the petitioner to cross examine the witnesses of the complainant being closed; in the interregnum. Subsequently the petitioner was granted permission to cross examine the complainant's witnesses. In this process, some of the opportunities got missed. So far as the last opportunity is concerned, the petitioner was not even present before the Court on the said date. This has been so recorded in the impugned order as well. Hence, the impugned order has been passed, despite the fact that the petitioner was not even present before the Court on that date and the Court had adjourned the case for presence of the petitioner. Hence, it is prayed that the order passed by the Court below is illegal and deserves to be set aside.

Having heard learned counsel for the petitioner and having perused the paper book, this Court does not find any illegality or material irregularity in the order passed by the Court below. The petitioner has already been granted sufficient opportunities to lead the defence evidence. However, he has wasted the same.

But since the petitioner is an accused of an offence, which can lead to his imprisonment as well, therefore, lest the petitioner should have an impression, though totally misconceived, that he has not been granted proper opportunity to defend himself, it would not be unjustified to grant him one more opportunity to lead defence evidence, however, by putting him to appropriate financial burden.

In view of the above, the present petition is disposed of with the direction to the trial Court to grant one effective opportunity to the petitioner to lead his defence evidence, however subject to payment of Rs.25,000/-as the

costs. The costs is ordered to be deposited with the Institute of Blinds, Sector 26, Chandigarh.

It is clarified that the petitioner shall be granted this opportunity, only if he produce before the trial Court; within 15 days, the receipt of having deposited the costs, as ordered above.

(RAJBIR SEHRAWAT)  
JUDGE

20.11.2019  
*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |