

CRM-M-49286-2019

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

CRM-M-49286-2019

Date of Decision:20.11.2019

Sanjeev Narula

... Petitioner

Versus

M/s Elkay International Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.M.Bhalla and Mr. Arjun Kundra, Advocates,
for the petitioner.

HARNARESH SINGH GILL, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure (for brevity, 'Cr.P.C.') for setting aside the orders dated 26.07.2019 (Annexure P-1) and 18.10.2019 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Faridabad, in a complaint (Annexure P-3) titled as 'M/s Elkay International Limited Vs. M/s Lilliput Kideswear Limited and others', whereby right to cross-examine CW 2 by the petitioner has been denied and application under Section 311 of the Cr.P.C. for recalling CW 2 has been dismissed, respectively.

The learned Magistrate has discussed that the petitioner-accused had wanted to approach this Court with a prayer to stay the proceedings of the case, and the case had been adjourned time and again. Finally, the learned Magistrate has drawn the conclusion that since the petitioner-accused had not approached the High Court and had already

CRM-M-49286-2019

availed sufficient time but still had not cross-examined CW 2.

I have heard learned counsel for the petitioner and with their able assistance, have gone through the impugned orders.

At this stage, notice in this case is not being issued to the respondent as this would further delay the trial of the complaint.

Learned counsel for the petitioner prays that one effective opportunity may be granted to the petitioner to cross-examine CW 2.

In view of the above facts, but without adverting to the merits of the case, the present petition is allowed. The impugned orders dated 26.07.2019 (Annexure P-1) and dated 18.10.2019 (Annexure P-2) are set aside. The petitioner-accused No.3 is granted one effective opportunity to cross-examine CW 2, subject to payment of Rs.20,000/- as costs to be paid to the respondent-complainant before the trial Court.

A copy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Reader to the Bench.

20.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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