

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-64336-2018 (O&M)

Date of Decision:- 12.3.2019

Navdeep Singh

... Petitioner

Versus

M/s Harjit Paper & Machinery Pvt. Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dilpreet Singh Gandhi, Advocate, for the petitioner.

Mr. K.P.Singh, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court so as to assail order dated 4.12.2018, passed by learned Judicial Magistrate 1st Class, Amritsar, whereby an application filed by the complainant under Section 311 Cr.PC. has been accepted.
2. I have heard the learned counsel for the petitioner and also the learned counsel representing the complainant/respondent.
3. A few facts necessary to notice for disposal of this petition are that the complainant had instituted a complaint under Section 138 of Negotiable Instruments Act, against the petitioner. After the petitioner was summoned, the complainant examined CW-1 Gurmeet Singh, being an authorized representative of the complainant through

whom the complaint had been filed. The examination-in-chief was recorded and the witness was also cross-examined at length but the cross-examination was not concluded. Subsequently, an application was filed by the complainant seeking permission to change the authorized representative of the complainant-company so as to examine Harjit Singh in place of Gurmeet Singh. The said application was allowed vide order dated 19.11.2018 (Annexure P-3).

4. Subsequently, the complainant moved another application under Section 311 Cr.P.C., seeking permission to the effect that the affidavit of Harjit Singh already tendered in evidence may be read as affidavit of the complainant. The said application was accepted vide order dated 4.12.2018 (Annexure P-6) which has been impugned by way of filing the present petition.
5. I find that the trial Court having permitted the change of attorney, vide impugned order dated 4.12.2018 (Annexure P-6), the complainant was duly permitted to examine the new attorney i.e. Harjit Singh and as such, his affidavit could certainly be brought on record. In these circumstances, this Court does not find any infirmity in order dated 4.12.2018.
6. Learned counsel for the petitioner has however, expressed apprehensions to the effect that with the acceptance of the application for change of attorney as well as the application under Section 311 Cr.P.C., the admissions brought about during cross-examination of CW-1 Gurmeet Singh may be ignored. The learned counsel has submitted that some vital admissions had been made during the cross-

examination of CW-1 Gurmeet Singh and that although his cross-examination remained inconclusive, but the admissions made therein can not be overlooked.

7. I have considered the aforesaid submissions.
8. A perusal of the impugned order does not suggest that any such observation has been made to the effect that admissions, if any made in the earlier statement are not to be looked into. In these circumstances, the aforesaid apprehensions, at this stage, are misconceived.
9. This petition is sans any merit and is dismissed.

March 12, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No