

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

118

**CRM-M-10625-2020**  
**Date of decision : 16.03.2020**

Sanjay Kumar

.....Petitioner

Versus

M/s Perfect Poultries, Gohana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Abhimanyu Batra, Advocate for the petitioner.

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**ARUN KUMAR TYAGI, J (ORAL)**

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 13.12.2019 passed by learned Judicial Magistrate Ist Class, Jind in complaint case No.NACT-575-2015 titled as 'M/s Perfect Poultries, gohana Rohtak Vs. Sanjay Kumar' whereby the petitioner has been disallowed to adduce any oral or documentary evidence.

Learned Counsel for the petitioner has submitted that the petitioner has been deprived of an opportunity to defend himself by examining his defence witnesses and his defence evidence has been closed without summoning the witnesses named by him in the list of witnesses filed before the Court. However, in the course of hearing, learned Counsel for the petitioner has admitted that the petitioner has been convicted vide judgment dated 12.03.2020 and now the case is fixed for hearing on quantum of sentence.

Since the trial has already concluded with passing of judgment of conviction, the present petition has become infructuous and the remedy now available to the petitioner is to challenge the

judgment of conviction already passed and order of sentence to be passed by filing appeal, inter alia, on the ground of not having been given adequate opportunity to defend himself.

In view of the above the petition is disposed of as having become infructuous with liberty to take the plea of not having been given adequate opportunity to defend himself taken in the present petition in the appeal.

**16.03.2020**

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**(ARUN KUMAR TYAGI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |