

CRM-M-55392 of 2019

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

CRM-M-55392 of 2019
Date of Decision: 06.01.2020

Soniya Dutta

...Petitioner

Versus

M/s STL Global Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Baljeet Beniwal, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for grant of single opportunity to cross-examine witnesses of respondent-complainant.

Briefly, in a complaint filed by the respondent against accused M/s RSA Casa De Moda through petitioner as its authorised signatory, even despite imposition of costs and affording several opportunities to petitioner or her accused company, they did not cross-examine respondent-complainant's witness. Therefore, finding no option, trial Court closed cross-examination on behalf of the petitioner to complainant's witness vide order dated 15.03.2019, directing the petitioner's company to submit list of defence witnesses.

Heard.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant petition

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completely a *mala fide* device to delay the decision of the complaint against her.

For ready reference, impugned order dated 15.03.2019 of the trial Court is reproduced hereunder: -

“Today the case was fixed for cross-examination of complainant subject to last opportunity. At the stage fresh power of attorney filed on behalf of defence placed on file. Defence side had also placed on file receipt of cost deposited in DLSA in terms of order dated 25.01.2019 wherein their criminal miscellaneous application was dismissed along with cost. Today Ld. Defence counsel prayed adjournment as he had first time appeared in this case. Adjournment opposed by complainant counsel on the ground that number of opportunities to cross-examine complainant had already been availed and defence side is in habit of seeking adjournment either by moving frivolous criminal miscellaneous applications or by filing fresh power of attorney as today it is the second occasion of filing fresh power of attorney by defence counsel as earlier v.o.d. 03.08.2018 on same ground adjournment was sought which was given subject to cost and till date no cost are deposited in DLSA in terms of order dated 03.08.2018 by the defence side. Heard. Case file perused v.o.d. 06.03.2018 case was adjourned to 11.05.2018 for cross-examination of complainant but on 11.05.2018, 03.08.2018, 12.10.2018, 02.11.2018 adjournment are sought at the stage of cross-examination of complainant by defence side. At the stage keeping in view discussion above contention of complainant counsel appears to be sound that successive adjournment are sought by the

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defence side on one pretext or the other. Present case is otherwise to be tried as summarily. Request for seeking adjournment of defence side was declined and Ld. Counsel was directed that he can even go through case file today itself and can cross-examine the complainant in late court hours of the day but defence side refused to cross-examination the complainant today. Accordingly this court is constrained to close opportunity to cross-examination of complainant by defence side by court order. Now, to come upon 29.04.2019 for defence evidence if any and arguments. Defence side is directed to file list of witnesses within 10 days otherwise they had lead their evidence at own responsibility.”

Thereafter, petitioner moved application for recalling aforesaid order, which was also rejected vide order dated 05.10.2019.

From the above order, it is apparent on the record that petitioner or her company is out and out to delay the disposal of complaint case against it inasmuch as despite imposition of costs and affording five effective opportunities to the petitioner for cross-examination of the respondent-complainant's witness, she or her company intentionally and deliberately did not cross-examine him.

Dismissed.

January 06, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No