

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.8166 of 2021 (O & M)
Date of decision:22.03.2021

Vipan Kumar Jain

... Petitioner

Vs.

Robin Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vaibhav Sehgal, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-4916-2021

Application is allowed. Annexures P-1 to P-5 are taken on record.

Main Case

Counsel for the petitioner has challenged order dated 01.02.2021, Annexure P-4, passed by the JMIC, Ludhiana in Criminal Complaint No.8314 dated 20.11.2015, whereby application filed by the petitioner under Section 311 Cr.P.C. has been dismissed.

Counsel for the petitioner contends that the petitioner has sought recalling of the complainant, Robin Gupta, for his further cross-examination in the application, Annexure P-2, on the aspect of the Income Tax Return as well as the account books allegedly maintained by the complainant. However, the said application has been declined on the

ground that a period of more than two years has lapsed since the complainant had appeared in the witness-box. She submits that the cross-examination of the complainant on this vital aspect is material for the adjudication of the complaint and she may be permitted to do so subject to payment of any reasonable cost.

Notice of motion.

Mr. Shubham Gupta, Advocate for Mr. L.M. Gulati, Advocate accepts notice on behalf of the respondent. He submits that he does not have any objection, in case the prayer is acceded to.

In view of the fair stand taken by the counsel for the complainant-respondent, the impugned order dated 01.02.2021, Annexure P-4, is set aside. The petitioner is granted one opportunity to cross-examine the complainant, on a date to be fixed by the trial court, subject to deposit of costs of Rs.20,000/- with the Poor Patient Welfare Fund, PGIMER, Sector 12, Chandigarh.

The receipt for the deposit shall be furnished by the petitioner before the trial court.

Petition stands disposed of.

22.03.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No