

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

**CRM-M-1346 of 2020
Date of Decision:- 28.04.2022**

Raj Kumar Aggarwal

....Petitioner

Vs.

M/s Om Brick Industries

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Parveen Sharma, Advocate
for Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Mohit Rana, Advocate for
Mr. Varun Dhawan, Advocate
for the respondent.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner seeking setting aside of the order dated 20.12.2019 (Annexure P-8) passed in criminal complaint No.RT-237-2 dated 30.09.2010 under Section 138 of Negotiable Instrument Act titled “M/s Om Bricks Vs. M/s Guru Kirpa Construction”, pending in the Court of JMIC Moga, whereby the defence evidence of the petitioner has been closed by order.

On asking of the Court, Mr. Mohit Rana, Advocate for Mr. Varun Dhawan, Advocate accepts notice on behalf of the respondent.

This Court is of the view that fair trial means equal opportunities have to be given to both the parties to lead their evidence. Admittedly, the criminal complaint is of 30.09.2010 and the statement of accused under Section 313 Cr.P.C. was recorded in 2019 as is evident from Annexure P-2 and only thereafter the case was fixed for defence evidence and same was closed by the trial Court vide impugned order which was passed on 20.12.2019. So it appears that the trial Court passed the impugned order in a hasty manner despite the fact the accused has given list of witnesses which he intended to examine in his defence.

In the light of above, I am of the view that the interest of justice demands that two proper and effective opportunities be given to the petitioner to lead evidence in his defence.

Consequently, the present petition is hereby allowed and the impugned order dated 20.12.2019, Annexure P-8, is set aside and the trial Court is directed to provide two effective opportunities to the petitioner to conclude his defence evidence, subject to costs of Rs.15,000/- to be deposited by the petitioner with District Legal Services Authority, Moga.

28.04.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No