

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

233

CRM-M-52082-2018

Date of Decision: 17.11.2022

Navneet Aggarwal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 16.11.2018 whereby learned JMIC Ludhiana in case No. 45864 of 16.08.2013 has closed evidence of the petitioner.

The trial Court vide order dated 03.04.2017 closed defence evidence and petitioner preferred CRM-M-16142-2017 before this Court which came to be disposed of vide order dated 06.03.2018 (Annexure P-2). A Co-ordinate Bench of this Court held that it was duty of Magistrate to call witness even by using coercive method whereas learned Magistrate did not apply his mind and failed to appreciate the material available on record.

This Court set aside order of learned JMIC and directed the trial Court to summon the witness whose examination-in-chief has been

recorded and give another opportunity to the petitioner to conclude his evidence.

The matter came up for consideration before learned trial Court on 05.11.2018 which noticed that no defence evidence is present. The Court directed the petitioner to furnish complete address of the witness and adjourned the matter for 16.11.2018 for defence evidence. On 16.11.2018, learned trial Court observed that last opportunity was granted to accused/petitioner to provide complete address of the witnesses or to produce witness failing which defence evidence would be closed. The trial Court concluded that there is no justification for further adjourning the case for defence evidence and accordingly closed evidence of the accused/petitioner.

The petitioner has preferred present petition seeking quashing of aforesaid order dated 16.11.2018. A Co-ordinate Bench of this Court while issuing notice of motion directed the trial Court to take coercive steps to summon the witnesses.

The operation of impugned order dated 16.11.2018 was stayed. The passing of final order was also stayed.

Learned counsel for the petitioner submits that he needs only two opportunities to lead his evidence at his own cost.

In view of the past history of the case and statement of learned counsel for the petitioner, the impugned order dated 16.11.2018 is set aside and the petitioner is directed to appear before the learned trial Court on 24.11.2022 along with evidence which he wants to lead. The petitioner if fails to produce his all defence witnesses on 24.11.2022, he may be permitted to examine his remaining witnesses on next date i.e. 02.12.2022.

If the petitioner does not lead evidence on 22.11.2022 and 02.12.2022, he shall not be entitled to any further opportunity.

Accordingly, the petition is disposed of in the above said terms.

(JAGMOHAN BANSAL)
JUDGE

17.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>