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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34335-2022

Date of Decision: 14.11.2022

VIKAS MALHOTRA AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. J.P. Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

The petitioners through instant petition are seeking quashing of order dated 03.03.2022 (Annexure P-7) passed by JMIC, Ludhiana in FIR No.76 dated 05.12.2014 registered at Police Station Dharesi, under Sections 448, 511, 452, 427, 323, 380, 506, 148 and 149 IPC and order dated 22.01.2019 (Annexure P-4) passed by learned Civil Judge (Junior Division), Ludhiana whereby the execution application has been dismissed on the ground of maintainability.

Learned counsel for the petitioner submits that he has no grievance qua allowing of application moved under Section 311 Cr.P.C, however, he prays that petitioner may be permitted to cross examine the witnesses who has led the evidence by placing the order passed by Civil Judge (Junior Division), Ludhiana in execution application.

Learned State counsel on being confronted with these facts submits that State has no objection if one opportunity is granted to cross

examine the witness who has led evidence in the form of judgment passed by Civil Judge (Junior Division), Ludhiana.

From obtained facts & circumstances and keeping in mind that learned counsel for the petitioner is not objecting to allowing of application moved under Section 311 Cr.P.C and State has no objection to limited prayer of the petitioner, the present petition is disposed of with a direction to Trial Court to permit petitioner to grant one opportunity to cross examine the witness.

The petitioner is directed to be present before Trial Court on 22.11.2022 which is date fixed before the Trial Court. It is made clear that unless and until Trial Court finds that there is reasonable cause for non-cross examination of witness on 22.11.2022 or on subsequent date fixed by Trial Court, no further opportunity for cross-examination shall be granted.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>