

**206-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M- 28035-2019

Date of decision :03.08.2022

Lalita

.... Petitioner

Versus

Ram Kishan and Ors.

.... Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Krishan Singh, Advocate for the petitioner.

Mr. Kirpal Singh, AAG, Haryana.

Mr. Prabhjayot Singh Chahel, Advocate for
Mr. Viney Saini, Advocate for respondent No.1.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has preferred the instant petition under Section 482 Cr.P.C., for quashing of the impugned order dated 28.05.2019 passed by Ld. JMIC Yamuna Nagar in Criminal Complaint No.71 of 2015 dated 12.03.2015 under Sections 354-A, 509, 506, 119, 217 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar, by virtue of which the learned trial Court has closed the evidence of the complainant.

It has been submitted by learned counsel for the petitioner that the complainant also filed the petition i.e. CRM-M-24169-2019 wherein the dismissal of the application under Section 311 Cr.P.C. was challenged and the notice of motion was issued by this Court on 24.05.2019 and directed the trial Court not to commence with the examination of the defence witnesses. He submits that before the next date given by this Court i.e. 14.08.2019, the learned trial Court vide its impugned order dated 28.05.2019 closed the evidence of the complainant. He submits that the complainant wants to examine only one witness i.e.

Meena Kumari who was very much cited as a witness at the initial stage

itself. He submits that in case the said witness is not examined, the petitioner would suffer irreparable loss & injury and non-examination of the witness was also not intentional. Learned counsel prays that the complainant may be given only one opportunity to examine the witness i.e. Meena Kumari. He submits that without appreciating the submissions of the counsel for the petitioner, the learned trial Court has closed the evidence of the petitioner. Learned counsel for respondent No.1 states that a sufficient opportunity was granted to petitioner to examine her witness but she could not conclude the evidence and as such her evidence was rightly closed by order dated 28.05.2019 which require no interference by this Court.

Heard.

After hearing the parties and perusal of the record it is apparent that witness Meena Kumari was cited as a witness, however, the same could not be examined. This Court in petition No.24169 of 2019 issued the notice on 24.05.2019 and directed the trial Court not to proceed with the examination of the defence witnesses. However, before that, learned trial Court itself on 28.05.2019 closed the witnesses. The Court is of the opinion that one opportunity be given to the petitioner for examination of the witness-Meena Kumari in the interest of justice. The impugned order dated 28.05.2019 is quashed and the trial Court is requested to grant one effective opportunity to the petitioner to examine the witness i.e. Meena Kumari, as per the schedule of the Court.

(**RAJESH BHARDWAJ**)
JUDGE

03.08.2022

manju

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No