

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

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CRM-M-37015-2022 (O&M)

Date of Decision: 22.08.2022

ASHOK KUMAR GARG

...Petitioner

Versus

SANTOSH KUMARI

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Ishita Jain, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Challenge is to the order dated 19.07.2022 passed by the learned Judicial Magistrate, 1st Class, Yamuna Nagar, in criminal complaint No.NIA/1808 of 2016 instituted on 13.10.2016, under Section 138 of the Negotiable Instruments Act, whereby the application filed by the petitioner seeking directions to Santosh Kumari-complainant/respondent to appear for further-cross-examination, was dismissed.

Learned counsel for the petitioner submits that when the cross-examination of the power of attorney holder of the complainant was conducted, he was not able to give satisfactory answers and had simply stated that he did not have any information regarding the transaction(s) between his mother and the petitioner and that the Court below, while passing the impugned order has failed to take into consideration the said fact.

I have heard the learned counsel for the petitioner.

In the impugned order, the Court below has minutely discussed all the issues raised by the learned counsel for the petitioner. It has been specifically noticed that the petitioner was in a habit of filing one after the another application and the earlier application filed by him for comparison of voice sample, was dismissed as withdrawn on 26.02.2020. In the said application, Santosh Kumari was also listed as one of the witnesses. Above all, the person now sought to be summoned for cross-examination, had never appeared as a witness in her individual capacity and is being represented by her son (the power of attorney holder).

In view of the above, no ground is made out to interfere with the well-reasoned order passed by the Court below.

Dismissed.

22.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>