

**CRM-M-35370 of 2022(O&M)
Date of Decision: 01.09.2022**

M/s Agarvanshi Trading Company & Anr.

...Petitioners

Versus

Madan Lal Bansal & Anr

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Ms. Shweta Sanghi, Advocate
 For the petitioner.**

**Mr.Kushaldeep Sandhu, Advocate
 For respondent No.1.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners seeking quashing of order dated 29.04.2022 (Annexure P-1) passed by the Court of learned Judicial Magistrate Ist Class, Hisar in NACT/ 763/2021 titled as Madan Lal Bansal Vs. M/s. Aggarvanshi Trading Company & Ors. under Section 138 of Negotiable Instruments Act(for brevity, the Act), whereby the application filed by the petitioners under Section 145 of Act seeking permission to cross examine the complainant and other witnesses, was dismissed.

Notice of motion.

Mr. Kushaldeep Sandhu, Advocate has put in appearance on behalf of the respondent and pleaded no objection if the impugned order is set aside, but a direction should be given to the petitioners to cross examine the complainant within the given time frame.

The petitioners who are accused in a complaint filed by respondent under Section 138 of the Act, have got every right to cross examine the complainant as per the provisions of Section 145(2) of the Act and for that purpose the petitioners are not required to give any reason to recall the complainant for his cross examination.

In the light of the above, the impugned order whereby the permission sought by the petitioners to cross examine the complainant, was declined, is totally illegal and perverse in law.

Consequently, the present petition is allowed and the impugned order dated 29.04.2022 (Annexure P-1) is hereby set aside. The parties are directed to appear before the trial Court on the date already fixed in the trial and the trial Court should recall the complainant and other witnesses, if any for their cross examination by the petitioners. The petitioners are not to seek unnecessary adjournment to cross examine the complainant and other witnesses, if any and to complete the said exercise of cross examination without any delay at the earliest.

01.09.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**