

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

CRM-M-40536-2020
Date of Decision:-18.04.2022

LAKSHAY CHUTTANI

... Petitioner(s)

Versus

M/S ROMY ENTERPRISES

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Ajay Ghangas, Advocate
for the respondent.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner under Section 482 Cr.P.C. praying for quashing of the order Annexure P6 whereby the request of the petitioner to cross-examine the complainant as per the provisions of Section 145(2) of NI Act was declined by the Court Judicial Magistrate Ist Class, Panipat and further the order dated 18.2.2020 Annexure P-8 passed by the Court of Additional Sessions Court, Panipat, whereby the revision filed by the petitioner against order Annexure P-6 was dismissed.

The counsel for the petitioner submitted that the petitioner being accused in criminal complaint titled M/s Romy Enterprises vs. Lakhsay Chuttaini has got every right to cross-examine the complainant, however the trial Court illegally passed impugned order and declined him opportunity to cross-examine the complainant. The counsel further contended that the revision petition filed by the petitioner was also wrongly dismissed by the Court of Additional Sessions Panipat vide order Annexure P-8.

On the other hand the counsel for the respondent submitted that there is no illegality in the impugned orders. The counsel for the respondent further contended that proper opportunity was given to the petitioner to cross-examine the complainant, but he time and again delayed the matter. So trial Court rightly passed impugned order Annexure P-6 which has been upheld even by the revisional court vide Annexure P-8.

I have considered the submissions made by the counsel for the parties.

Criminal complaint titled M/s Romy Enterprise vs. Lakshay Chuttani was filed by the respondent against the petitioner regarding dishonour of cheque in question.

Vide impugned order dated 2.12.2019 Annexure P-6, the trial Court declined the request of the petitioner to cross-examine the complainant by observing that the petitioner is playing hide and seek just to delay the matter.

It appears that earlier to the passing of impugned order Annexure P-6, time was taken by the petitioner from the Court to settle the dispute with the respondent in an amicable manner. However, the

compromise did not materialize and on this the petitioner made aforesaid request to cross-examine the respondent but the same was declined by the trial Court.

Thus it is evident that no effective opportunity was granted to the petitioner by the trial Court to cross-examine the respondent. The request made by the petitioner to cross-examine the respondent was declined by the trial Court without any plausible and reasonable cause.

In view of the above, the present petition is hereby allowed and impugned orders Annexure P-6 and Annexure P-8 are hereby set aside and the request made by the petitioner under Section 145(2) of NI Act is hereby allowed subject to cost of ₹10,000/- to be deposited by the petitioner with District Legal Services Authority, Panipat and direction is hereby given to the trial Court to give one effective opportunity to the petitioner to cross-examine the respondent on the next date fixed or any other date convenient to the said Court.

(KARAMJIT SINGH)
JUDGE

18.04.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No