

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

234

CRM-M-38341-2019

Date of Decision: 15.12.2022

Kapil Raj

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: None for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Vijay Lath, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 20.01.2020, the following order was passed :

“Prayer in this petition is for setting aside the order dated 10.07.2018, passed by the trial Court, vide which the petitioner was not afforded opportunity to cross-examine the complainant/ respondent No. 2 in Criminal Complaint bearing NACT No. 230 of 2017 dated 06.06.2017, under Section 138 of the N.I. Act, titled as Saroj Rani vs. Kapil Raj; as well as the order dated 20.08.2018, vide which the revision filed by the petitioner against the aforesaid order was dismissed.

Though on the face of it, the petitioner has approached this Court after a huge delay of passing the impugned orders, however, considering the fact that the petitioner, being an accused, has a right of defence to cross-examine the complainant by putting up his defence, it will be appropriate to issue notice to the respondents.

Accordingly, let notice of motion be issued to respondents for 30.01.2020, subject to the condition that the petitioner will deposit 50% of the cheque amount with the trial Court, subject to final outcome of the case.

Liberty is granted to petitioner to serve respondent No. 2/complainant through the counsel representing her before the trial Court.

Dasti as well.”

Mr. Vijay Lath, Advocate appeared on behalf of respondent No.2 and submitted that the petitioner has not complied with order dated 20.01.2020 of this Court, thus, present petition deserves to be dismissed. He further submits that prosecution witnesses stand examined and statement of petitioner/accused under Section 313 Cr.P.C. has already been recorded.

In view of the fact that the petitioner has failed to comply with the order dated 20.01.2020 which seems to be reason of absence of the petitioner, the present petition is dismissed.

The petitioner is at liberty to move an appropriate application, if something survives.

(JAGMOHAN BANSAL)
JUDGE

15.12.2022

anju

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