

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

CRR-1669-2021

Reserved on: 17.08.2022

Pronounced on: 15.09.2022

Balwinder Singh

.....Petitioner

Vs.

The Budhlada Primary Co-operative Agriculture Development Bank Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Jattana, Advocate for the petitioner.

Mr. A.D.S. Sukhija, Advocate for the respondent-Bank.

Mr. H.S. Sitta, Asst. AG, Punjab.

ANOOP CHITKARA J.

Aggrieved by the order passed by the learned Sessions Judge (Appellate Court) allowing the application filed by the complainant-Bank for additional evidence, the convict has come up before this Court.

Vide order dated 26.11.2021, the appellate Court allowed the application filed by the Bank to place on record the loan application, mortgaged deed, its receipt, authority letter and copy of registration service of combine machine which were inadvertently or due to oversight could not be brought to the record at the time of examination of Assistant Manager of the Bank who appeared as CW1.

Even the appellant had filed an application for recalling of CW1 on the ground that during his cross-examination some material facts could not be confronted to him.

Once the convict himself had filed an application for recalling of CW1 to cross-examine him and in case, his prayer is allowed, there would be no bias the aforesaid documents to prove the issuance of cheque in favour of the bank by the convict.

Perusal of the order does not point out towards any illegality which would cause its reversal. Consequently, it is clarified that the Sessions Court shall give appropriate opportunity to the convict to re-examine CW1-Amandeep Singh apart from this, opportunity be granted to the Bank to tender in evidence the aforesaid

documents. Since there is already a delay, as such the appellate Court is requested to decide the appeal expeditiously.

Given above, petition is disposed of in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.09.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.