

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

293

CRM-M-1528-2022

Date of Decision:08.08.2022

Gopal Krishan Bhardwaj and another

.....Petitioners

Vs.

ICICI Bank Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ritu Punj, Advocate for the petitioners.

Mr. Vijyesh Malhotra, Advocate for the respondent.

ANOOP CHITKARA J. (ORAL)

Aggrieved by the non grant of opportunity to cross examine the witness of complainant which was stated as 'Nil', the accused has come up before this Court by filing the present petition under Section 482 CrPC.

Initially vide order dated 05.10.2018, learned Judicial Magistrate Ist Class, Ludhiana, had closed the statement of CW1 by observing cross examination 'Nil' and by observing that sufficient opportunities were availed by the accused for this purpose.

The petitioners challenged the said order by filing the CRR before the learned Sessions Court, Ludhiana, which was dismissed on the ground that interlocutory order cannot be challenged in revision petition, as such, the petition is not maintainable. The order of the learned Sessions Judge is legally sustainable however now the petitioners have come up before this Court.

Without adjudicating that the complainant is intentionally avoiding his cross-examination, in the larger interest of justice, one final opportunity is afforded to the petitioners, to cross examine the CW1.

Consequently, let the impugned order dated 08.11.2021 (P-11) and 05.10.2018 (Annexure P-9) are set aside with the observations that the petitioners shall cross examine CW1 without seeking any adjournment. Respondent shall produce CW1 before the trial Court and the petitioners shall be entitled to cross-examine the witnesses only in two effective opportunities.

Trial Court is requested to expedite the trial. The parties shall not take any adjournment henceforth. In case the accused-petitioners seek adjournment, the trial Court to proceed further by appointing a legal aid counsel and also for his absence, it shall be open for the Court to take coercive steps. It is also permissible for the parties to enter into compromise, if any, on or before 31.09.2022.

Petition is allowed, to the extent mentioned above.

(ANOOP CHITKARA)
JUDGE

08.08.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No