

CRM-M-49856-2022(O&M)

Date of Decision: 28.10.2022

M/s S.P.Creations and another

...Petitioners

vs.

Amit Oswal Fabrics

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Naveen Bawa, Advocate
for the petitioners.

N.S.Shekhawat J. (Oral)

The petitioners have filed the instant petition with a prayer to quash the impugned order dated 01.10.2022 (Annexure P-4) passed by learned Judicial Magistrate, 1st Class, Ludhiana to the extent whereby liberty has been granted to the respondent to file fresh application for substitution in accordance with law.

I have heard learned counsel for the petitioners.

Learned counsel for the petitioners submits that he shall be satisfied in case the impugned order dated 01.10.2022 is clarified to the extent that he shall be granted an opportunity to file reply to such application, which may be filed by the respondent and he shall be heard on the issue of maintainability of such application.

In view of the above submission, the instant petition is disposed of with the observation that in case the complainant files any fresh application for substitution, the accused shall be granted an opportunity to file reply to the said application and he will be at liberty to contest the said application on all grounds which may be available in law.

With this clarification, the present petition is disposed of.

(N.S.SHEKHAWAT)
JUDGE**28.10.2022**

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