

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

115-A

CRM-M-51711-2022

Date of Decision: November 10, 2022

M/s KSM Spinning Mills Ltd. and others

.....Petitioner(s)

Vs.

M/s Indian Acrylics Ltd.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Sharma, Advocate for the petitioners.

ANOOP CHITKARA J. (ORAL)

Petitioners seek quashing of impugned order dated 17.08.2022 (Annexure P-4) vide which the cross examination of CW1 has been treated as Nil, in CrI. Complaint No. NACT/5908 of 2015 dated 26.10.2015 (Annexure P-1) titled as M/s Indian Acrylics Ltd. Vs. K.S.M. Spinning Mills Ltd and others filed under Section 138 of Negotiable Instruments act, 1881 being wrong, illegal and arbitrary.

The limited ground on which the accused have come up before this Court is that the trial Court closed the cross examination of CW-1 without taking note of the absence of the lawyer for the petitioners.

Petitioners' counsel states at bar that non-appearance was due to demise of father of petitioners' counsel and this fact was also brought to the notice of the concerned Court.

Given the *bonafide* reason for non-appearance of the counsel, the order dated 17.08.2022 is set aside and parties are permitted to appear before the trial Court tomorrow i.e. 11.11.2022, subject to the condition that the petitioners shall not seek any further adjournment.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

Petition stands allowed to the extent as mentioned above.

All pending application(s), if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

November 10, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

No