

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57886-2022 (O&M)

Date of Decision: 12.12.2022

ANIL KUMAR MANGLA AND ANR

..... Petitioners

Versus

M/S PAHUJA SHOE CENTRE

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vishwajeet Singh, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

CRM-47946-2022

Exemption application is allowed as prayed for.

CRM-M-57886-2022

The petitioner through instant petition under 482 is seeking quashing of order dated 02.09.2022 whereby JMJC Sohna, District Gurgaon has closed evidence of the petitioner.

Learned counsel for the petitioner submits that trial Court has wrongly closed evidence of the petitioner. He further submits that trial Court has wrongly recorded the finding that total 17 opportunities had already been granted to conclude defence witness. On account of Covid-19 Pandemic, trial was delayed and there is no lapse on the part of the petitioner. The adjournment on many occasions was sought by complainant, thus, petitioner is not at fault.

I have perused the zimni orders enclosed with this petition by the petitioner.

From the perusal of zimni orders, it is quite evident that at-

least on following dates, matter was either adjourned at the behest of petitioner or petitioner availed opportunity to lead his evidence:

10.07.2019, 13.09.2019, 10.10.2019, 16.11.2019,
20.03.2020, 25.01.2021, 07.04.2021, 18.08.2021, 15.09.2021,
17.12.2021, 04.02.2022, 01.04.2022, 29.04.2022, 25.05.2022,
06.07.2022 and 20.07.2022.

Apart from above dates, the petitioner filed his affidavit in evidence which was not permissible by law. The complainant was forced to raise objection which resulted into three more dates.

It is a case of dishonor of cheque. Complaint was filed in 2017 and as per different provisions of NI Act read with CR.P.C the trial under NI Act is a summary proceedings or at the most it can be tried as summons case.

The trial is pending for last 5 years and if summary/summons trial would remain pending for 5 years, there would be no end of litigation and trial Courts would not be able to dispose of warrant/contested matters. Thus, there is no infirmity in the impugned order and present petition deserves to be dismissed.

Accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.12.2022

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