

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2942-2023

Date of decision : 19.01.2023

Manoj Kumar

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Aditya Jain, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 14.12.2022 passed by learned trial Court in Criminal Complaint No.NACT-16783-2017 dated 17.10.2017 wherein right of the petitioner to cross-examine the complainant has been recorded as 'nil' as he was not given an opportunity to cross-examine.

It has been submitted by counsel for the petitioner that due to miscommunication with the counsel engaged, the present situation has arisen as the counsel did not make himself available and thus, the right to cross-examine the complainant has been lost by the petitioner. He further submits that the wife of the petitioner has already paid Rs.1.24 crore out of Rs.1.34 crore ie. the total amount of sale consideration. He has submitted that the petitioner has been appearing before the Court without absence and would be seriously prejudiced if he is not granted the opportunity to cross-examine the witness. He submits that the one effective opportunity be granted to the petitioner to cross-examine the complainant.

After hearing counsel for the petitioner and perusing the record, this Court do not find it necessary to issue notice at this stage to other side. However, to meet the ends of justice, this Court finds that the petitioner be granted one effective opportunity to cross-examine the prosecution witnesses subject to the payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh and Rs.25,000/- to the complainant before granting him opportunity to cross-examine the witnesses. Resultantly, the present petition is disposed of and the impugned order dated 14.12.2022 is *set aside*. Learned trial Court is directed to grant one effective opportunity to the petitioner for cross-examining the prosecution witnesses subject to his payment of the total cost of Rs.50,000/- as directed above.

Needless to say that if the petitioner do not fulfill the conditions as directed, this order would be of no avail to him.

(RAJESH BHARDWAJ)
JUDGE

19.01.2023
m. sharma

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