

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

CRM-M-6835-2023

Date of Decision: February 09, 2023

Labh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parminder Singh Kanwar, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

In a criminal complaint bearing NACT No.711-2016 (Annexure P-1), titled as “*Labh Singh vs. Harvinder Kaur etc.*”, pending in the Court of learned Judicial Magistrate 1st Class-III, Kapurthala, the case was fixed for complainant's evidence on 20.10.2022 with last opportunity. Neither the previous adjournment cost of ₹1,000/- was deposited in the District Legal Services Authority nor any evidence was produced and so the evidence of the complainant was closed by observing that numerous opportunities had already been availed. The case was adjourned for recording the statement of the accused under Section 313 Cr.P.C.

By way of this petition, prayer is made to quash the aforesaid order dated 20.10.2022.

Learned counsel for the petitioner prays for granting one opportunity to conclude the evidence.

Without going into the merits of the case, the impugned order is set aside with a direction to the Trial Court to provide one opportunity to the petitioner to conclude his evidence. This is subject to

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costs of ₹10,000/- to be paid by the petitioner-complainant to the respondent-accused by way of a bank draft.

In addition, petitioner shall also deposit the cost of ₹1,000/- in District Legal Services Authority, Kapurthala, as is referred in the order dated 20.10.2022. After making these compliances, the Trial Court shall fix a date for the evidence of the petitioner-complainant. No further opportunity shall be provided.

This order has been passed without serving notice to the respondents in order to avoid any delay in the matter. However, if respondent Nos.2 and 3 are aggrieved by this order, they have the liberty to approach this Court.

Disposed of.

February 09, 2023

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**(DEEPAK GUPTA)
JUDGE**

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