

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-17334-2017 (O&M)

Date of Decision: 31.1.2023

Naresh Goyal

....Petitioners

VERSUS

Lakhpat Rai Mittal

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tushar Madaan, Advocate for
Mr. Mansur Ali, Advocate,
for the petitioner.

None for the respondent.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner seeking quashing of order dated 14.12.2016 (Annexure P-7) passed by the learned trial Court i.e. Judicial Magistrate, 1st Class, Chandigarh in criminal complaint No.4294 of 2015 titled Lakhpat Rai Mittal v. Naresh Goyal under Section 138 of Negotiable Instruments Act whereby the application moved by the petitioner under Section 311 Cr.P.C. to recall the complainant for his further cross-examination, is declined.

Counsel for the petitioner submits that certain new facts came into notice of the petitioner after cross-examination of the complainant was completed and in order to confront the complainant with the said new facts, the application in question was moved before the learned trial Court. He further submits that the evidence which the petitioner intends to lead by invoking the provisions of Section 311 Cr.P.C. is necessary for just decision of the case. So, prayer is made that the present petition be allowed and the

impugned order be set aside and opportunity be given to the petitioner to further cross-examine the complainant.

Today, none has put in appearance on behalf of the respondent.

In view of the fact that the complaint case is pending since 2015 and further, in the interest of justice, without commenting on the merits of the case, the present petition is hereby allowed and the impugned order is set aside and the learned trial Court is directed to recall the complainant for his further cross-examination by the petitioner/his counsel subject to costs of ₹7,000/- to be deposited by the petitioner with District Legal Services Authority, Chandigarh.

It is further clarified that only one effective opportunity is to be given to the petitioner for the purpose of further cross-examination and that should also be limited with regard to only relevant facts having bearing on the complaint case filed under Section 138 of Negotiable Instruments Act. The petitioner is hereby directed to appear before the learned trial Court on the date already fixed in the trial Court.

(KARAMJIT SINGH)
JUDGE

January 31, 2023
Paritosh Kumar

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