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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15511-2023

Date of Decision: March 27, 2023

Radhe Sham

.....Petitioner

Versus

Lakhwinder Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Navneet Jindal, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 08.02.2023, in a criminal case No.NACT/1639-2018, dated 01.12.2018, CNR No.HRS1030064042018 titled as 'Lakhwinder Singh vs Radhe Sham', pending in the Court of JMJC, Sirsa, vide which application under Section 145(2) of the Negotiable Instruments Act, for cross-examination of the complainant has been dismissed by the trial Court illegally.

Learned counsel for the petitioner has submitted that the petitioner appeared before the trial Court for the first time on 18.03.2021 and on the very same day, the case was fixed by the trial Court for defence evidence. He has submitted that the petitioner is a poor and illiterate person and he does not understand the intricacies of law. He submits that the petitioner in all his bona fide wants to cross-examine the complainant and prays only one effective opportunity and if the same is not granted, he would suffer an irreparable loss and injury.

After hearing counsel for the petitioner and perusing the record, this Court does not find it necessary to issue notice to other side as admittedly, the petitioner has been divested of his right to cross-examine the complainant. The Court is prima facie convinced that by not allowing the petitioner to cross-examine the complainant would result in injustice to the petitioner.

Resultantly, the present petition is allowed. Order dated 08.02.2023 is set aside. Learned trial Court is directed to grant one effective opportunity to the petitioner subject to payment of Rs.20,000/- as costs to be made by the petitioner to the complainant. It is made clear that the petitioner will be afforded one effective opportunity to cross-examine the complainant after he makes payment of abovesaid costs to the complainant.

March 27, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |