

Neutral citation No.:2023:PHHC:051396
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-15554-2023

Date of Decision: 12.04.2023

M/s KSM Spinning Mills Ltd. And others

....Petitioners

Versus

M/s Indian Acrylics Ltd. and another

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Sharma, Advocate for the petitioners.

Mr. Kunal Garg, Advocate for respondent No.1.

ANOOP CHITKARA, J.

1. Present petition has been filed for issuing directions to the learned trial Court to grant effective opportunity to the petitioners for leading the defence evidence by way of summoning respondent No.2 who stands already summoned in Crl. Complaint No.NACT/5908 of 2015 dated 26.10.2015.

2. I have heard counsel for the parties.

3. The nature of the order this Court proposes to pass, there is no need to serve respondent No.2.

4. Counsel appearing for respondent No.1-M/s Indian Acrylics Ltd., submits that the petitioners are intentionally delaying the proceedings and as many as 16 adjournments have been taken. He further submits that on earlier occasion the petitioner approached this Court for similar relief by filing a petition bearing number CRM-M-11742-2023, which was allowed vide order dated 09.03.2023.

5. The statement regarding adjournment prima facie cannot be disputed by the petitioners and earlier order was passed on 09.03.2023 and he is again before this Court within a span of one month which shows his bonfide that he is not causing any delay. However in the entirety of facts and circumstances, the present petition is allowed subject to the condition that petitioners shall pay cost of

Rs.16,000/- to respondent No.1 on the next date fixed before the trial Court, by way of demand draft drawn in favour of M/s Indian Acrylics Ltd. The trial Court is directed to issue notice to the witness i.e. respondent No.2-Nipan Bansal and in case, he does not turn up, the trial Court may proceed in accordance with law by issuing bailable/non-bailable warrants and so on. The trial Court is also directed to expedite the matter and try to conclude the trial on top priority and complete it on or before 31.08.2023. It is clarified that the petitioners as well as respondent No.1 shall not seek any adjournment and in case, they seek any adjournment, then this order shall be recalled automatically under Section 362 read with Section 482 Cr.P.C. without any further reference to this Court.

The present petition stands disposed of with above said observations.

All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.04.2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no