IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1166-2023 (O&M)
DECIDED ON: 04.05.2023

HARPREET SINGH .....PETITIONER

VERSUS

HDFC BANK LTD .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamal Narula, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant revision petition has been moved to assail the order dated 29.03.2023 passed by trial Court in complaint under Section 138 of Negotiable Instruments Act, 1881 titled as "HDFC Bank Ltd. vs. Harpreet Singh", whereby the application moved by the complainant-respondent bank for recalling the witness and to place on record the correct certified copy of statement of the loan account, which was allowed.

Learned counsel for the petitioner has laid much stress alleging that his application for recalling of CW-1 namely Lakhvir Singh for further cross examination was dismissed vide order dated 16.08.2022 on the ground that accused had earlier engaged some other counsel, who failed to put some material questions to the witness, which are very relevant for fair adjudication of the case. The said application was rejected by the trial Court, observing that during the course of arguments, learned counsel for the accused requested that he want to put the questions regarding the installment deposited by the accused; reminder notices being sent to the accused by the complainant Bank.

Heard.

This Court, while considering the above submissions and on examination of the record is of the view that the contentions in both the applications, one moved by the accused and now second, by the complainant are totally on distinct grounds and the order before this Court under challenge dated 29.03.2023 passed by Judicial Magistrate 1st Class, Ferozepur is just and legal in the light of the fact that, if the recalling of the witness at this stage is now allowed, severe prejudice would be caused to the complainant bank, who has advanced loan to the petitioner, but on account of failure to repay the said loan consistently, after dishonouring of the cheque vide memo dated 01.5.2019, it will be financial institution, who will suffer huge financial loss.

Moreover, the application moved by the complainant i.e., HDFC Bank under Section 311 of Cr.P.C was on account of the fact that he had inadvertently filed the account statement of Inderjeet Singh instead of accused Harpreet Singh, and thus, it was allowed with purpose to bring on record the correct account statement of the accused. It is, therefore, in the interest of both the parties and also to reach to the correct conclusion to meet the ends of justice, the application has been rightly allowed for bringing on record the correct account statement and that too, subject to the cost of Rs.2,000/- to be paid to the accused for delay caused in filing the said application.

In the light of the aforesaid reasons recorded by the trial Court, this Court is fully in consonance with the said order and does not deem it appropriate to interfere therein.

Hence, petition stands dismissed being devoid of merits.

(SANDEEP MOUDGIL)
JUDGE

04.05.2023

Meenu

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