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

CRM-M-26407-2023

Date of Decision: May 25, 2023

Gurdas Singh

.....Petitioner

Versus

Jeet Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Tejinder Pal Singh, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of impugned order dated 19.01.2023, passed by learned Judicial Magistrate Ist Class, Sangrur, Annexure P-4, in NACT No.10 of 2018, dated 02.01.2018, under Section 138 of Negotiable Instrument Act, by virtue of which the application filed by the petitioner for allowing him to produce the voice conversation between the parties was declined.

Learned counsel submits that the petitioner had duly filed the application alongwith the certificate under Section 65-B of the Indian Evidence Act, however, the learned Magistrate ignored the same and thus, has declined the application filed by the petitioner.

After hearing counsel for the petitioner and perusing the file, this Court does not find it appropriate to issue notice to other side as it is apparent from the impugned order that there are certain infirmities which the petitioner did not comply with and thus the application has been declined.

However, counsel for the petitioner fairly submits that he is

ready to remove all the infirmities as pointed out by the Court and file a fresh application for consideration of the learned Magistrate.

In view of the above statement made by learned counsel for the petitioner, impugned order dated 19.01.2023 is set aside. Petitioner is at liberty to file a fresh application by removing all the objections, as pointed out in the impugned order. In case the petitioner files a fresh appropriate application within 15 days from today, learned Magistrate is directed to consider the same afresh and pass an appropriate order in accordance with law.

Disposed of accordingly.

May 25, 2023
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(RAJESH BHARDWAJ)
JUDGE

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