

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

CRM-M-52907-2018 (O&M)

Date of decision: 26th July, 2023

Gurjent Poultry Farm Rattanheri and another

...Petitioners

Versus

M/s Madan Lal Krishan Lal

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Satbir, Advocate for
Mr. Shekhar Gupta, Advocate for the petitioners.

Mr. Akshay Jindal, Advocate, for the respondent.

AVNEESH JHINGAN, J (Oral):

1. The petitioner seeks quashing of the order dated 20.11.2018 (Annexure P-1) allowing application of the respondent/complainant for adducing additional evidence by the trial Court.

2. The brief facts are that the respondent filed an application under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), on dishonouring of cheque for an amount of Rs.1,50,000/-. As per the complainant, the petitioner had to make the payment for poultry feed supplied by the him on credit.

3. Heard learned counsel for the parties and perused the pleadings.

4. Learned counsel for the respondent realising that the presumption under Sections 118 and 139 of the Act are against the accused and at this stage of proceedings in the complaint, there is no rebuttal by the accused he seeks permission of this Court to withdraw the application filed under Section 311

Cr.P.C. with liberty to file afresh in case need so arises.

5. In view of the above, the application filed under Section 311 Cr.P.C. filed by the respondent/complainant is dismissed as withdrawn with liberty as prayed for. Resultantly, the impugned order is set aside.
6. The petition is disposed of.
7. Since the main case has been disposed of, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

26th July, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |