

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

CRM-M-30188-2023

Date of decision : 09.06.2023

M/s Dhanpati Transport Company and another Petitioners

versus

M/s Shree Mahaveer Fuels Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Punit Malik, Advocate
 for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Petitioners have approached this Court praying for setting aside the impugned order dated 04.02.2023 in Complaint No.8223/18 dated 23.04.2018 passed by learned trial Court, Gurugram by virtue of which, defence of the petitioners has been closed by the trial Court.

It has been contended by counsel for the petitioners that the petitioners have been prosecuted by respondent No.2 in a complaint under Section 138 of the Negotiable Instruments Act. He submits that counsel for the petitioners and the petitioners were duly appearing before the trial Court, however, it is due to miscommunication between the petitioners and their counsel, four witnesses, which the petitioners wanted to examine, could not be examined as the defence was abruptly closed by the trial Court vide impugned order dated 04.02.2023. He submits that petitioners had no intention to delay the trial by not examining and if they are not allowed to examine their witnesses, they would suffer irreparable loss and injury. He submits that the petitioners would be careful enough to examine their witnesses and they be granted only two opportunities to

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examine the witnesses as their defence evidence. He submits that petitioners are ready to abide by the terms and conditions as imposed by the trial Court and would not cause any further delay in the trial.

After hearing counsel for the petitioners and perusing the record, it is apparent that the petitioners before this Court are the accused in the complaint filed. As submitted by counsel for the petitioners, they want to examine four witnesses as the same could not be examined as his defence was already closed by way of impugned order passed.

This Court finds it not necessary to issue notice to the opposite side at this stage and in the interest of justice, petitioners are granted two opportunities for examining these witnesses subject to payment of Rs.25,000/- as costs to the complainant. The trial Court would be requested to grant two opportunities to the petitioners for examining their witnesses as per the convenience of its roster. The Court would ensure that before granting opportunity to the petitioners, costs of Rs.25,000/- is paid to the complainant.

Petition is allowed in the above-mentioned terms.

(**RAJESH BHARDWAJ**)
JUDGE

09.06.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No