

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

CRM-M-42540-2021

Date of decision: 18.04.2023.

Amit Singh

....Petitioner.

Versus

Vijay Maurya

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Govind Rana, Advocate, for
Mr. Kanwar Abhay Singh, Advocate, for the petitioner.

Mr. Amitabh Tewari, Advocate and
Ms. Mahima Gupta, Advocate, for the respondent.

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SANJIV BERRY, J.

This is a petition filed under Section 482 Cr. P.C. for quashing of the order dated 08.09.2021 (Annexure P-2), passed by learned JMIC, Gurugram, whereby the defence evidence has been ordered to be closed.

It is the contention of learned counsel for petitioner that out of four effective opportunities of hearing for adducing the evidence, the petitioner had examined one witness in defence and wanted to examine Ganga Ram and Brijesh as defence witnesses as examination of the said witnesses is just and necessary for the case. He further undertakes that the evidence of the defence will be concluded on two effective dates given for the purpose, in case opportunity is afforded to the petitioner.

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Learned counsel representing the respondent has opposed these contentions but at the same time, he pleads that if the petitioner undertakes to conclude the defence evidence by taking two effective opportunities then in that event respondent will have no objection in allowing the petition subject to payment of costs.

After hearing the respective contentions of the parties, it transpires that vide the impugned order the evidence of defence was closed by learned JMIC, Gurugram, as is evident from Annexure P-2.

During the course of arguments, learned counsel for the petitioner has undertaken that if opportunity is granted, he will conclude defence evidence on two effective dates and will not seek any further adjournment. He further undertakes that the petitioner is only to examine the DWs (Ganga Ram and Brijesh) in defence.

In the circumstances, taking into consideration, the statement suffered by learned counsel for the respondent and in the interest of justice, the impugned order dated 08.09.2021 (Annexure P-2), passed by learned JMIC, Gurugram, is hereby set aside and a direction is issued to the learned Magistrate to grant two effective opportunities to the petitioner to lead his evidence, subject, however, to payment of Rs. 15,000/- as costs to be paid to the respondent before the trial Court before commencement of the defence evidence.

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It is also made clear that the petitioner will not seek any further adjournment.

With these observations, present petition stands disposed of.

(SANJIV BERRY)
JUDGE

18.04.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |