

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

CRM-M-40259 of 2023

Date of decision: 17th August, 2023

Dharamvir Singh

...Petitioner

Versus

Sanjeev Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Priyanshu Kamra, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of order dated 20.7.2023 dismissing the application filed under Section 311 Cr.P.C.
2. The brief facts are that the petitioner is an accused in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'). At the stage of final arguments, the petitioner moved an application under Section 311 Cr.P.C. for further cross-examination of the complainant. The ground taken was that the petitioner had changed the counsel and according to the new counsel, relevant questions were not put to complainant. The application was rejected, hence the present petition.
3. Learned counsel for the petitioner submits that further cross-examination of the complainant is necessary in the interest of justice.
4. From the perusal of the impugned order and the application, it is forth-coming that there is no pleading to *prima facie* substantiate the requirement of further cross-examination of the complainant.
5. The ground taken is that the changed counsel seeks to put further questions in itself would not be a ground for re-calling of the complainant for further cross-examination. It cannot be lost sight of that the proceedings under Section 138 of the Act are summary in nature.
5. No ground is made out for interference.

6. The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

17th August, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No