

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRM-M-47329-2021

Date of Decision : December 05, 2023

SANJIVV NARULAA @ SANJEEV NARULA

-Petitioner

V/S

M/S ELKAY INTERNATIONAL LIMITED

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Tanmoy Gupta, Advocate
for the respondent.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the hereinafter extracted relief is claimed by the petitioner:-

(a) Setting aside the impugned order dated 16.04.2021 (Annexure P-1), as passed by the learned Magistrate concerned, upon Complaint bearing No. NACT-719-2016, whereby, the formal application filed under Section 91 of the Cr.P.C. was dismissed;

2. I have heard the learned counsels appearing for the contesting parties at length.

3. Both the learned counsels representing the contesting parties are *ad idem* that the application (supra) filed before the learned trial Court concerned, at this stage, was a misconceived motion.

4. Consequently, the learned counsel for the petitioner seeks leave to withdraw the instant petition, however, with liberty to move an appropriate application, on the same cause of action, before the learned trial Court concerned, at the time of defence evidence.

5. The liberty (supra), as sought by the learned counsel for the

petitioner, is not opposed by the learned counsel for the respondent, as it is an indefeasible right of the petitioner/accused to call for the document(s), which otherwise is not in his possession, for thereby proving his innocence.

6. In view of the above expressed consensus, this Court refrains from making any interference in the order, as impugned hereinabove, and, the same is accordingly affirmed and maintained. However, as prayed for by the learned counsel for the petitioner, liberty is reserved to the petitioner to move an appropriate application, on the same cause of action, before the learned trial Court concerned, at the time of defence evidence.

7. At this stage, the learned counsel for the respondent seeks issuance of directions upon the learned trial Court concerned to expedite the trial, as it has been lingering for past 11 years, either for one or the other reason.

8. Considering the innocuous and bonafide prayer made by the learned counsel for the respondent, coupled with the 'No Objection' expressed by the learned counsel for the petitioner, this Court directs the learned trial Court concerned to conclude the trial within six months from today.

9. Disposed of accordingly.

December 05, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No