

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

CRM-M No.44241 of 2023
Date of decision: 7th November, 2023

Mohan Lal Johar & another

... Petitioners

Versus

Surjeet Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tarun Deora, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been preferred under Section 482 Cr.P.C. for quashing of the order dated 03.08.2023 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Ludhiana in COMA/6518/2016 titled as 'Surjeet Singh vs. Mohan Lal Johar', vide which application filed by the petitioner under Section 311 Cr.P.C. was dismissed.

2. Learned counsel for the petitioner inter alia contends that the case was fixed for defence evidence of the petitioners on 25.04.2022. Thereafter, the case was adjourned on multiple occasions however, on account of the ill health they could not adduce the defence evidence, as a result of which the defence evidence was closed by order dated 31.03.2023 passed by the Court of learned Judicial Magistrate 1st Class, Ludhiana.

3. Learned counsel submits that since the petitioners are not well versed with the nitty gritty of the Court proceedings, a lenient view be taken, coupled with the fact that the Hon'ble Apex Court had also been taking a lenient view in such like cases. A prayer has, therefore, been made that a compassionate view be taken and the impugned order be set aside.

4. I have heard learned counsel for the petitioners and perused the material on record.

5. A perusal of the record reveals that the petitioners have indeed been negligent in pursuing the case. This Court, however, is of the opinion that if the petitioners are not granted one more opportunity to conclude their defence evidence, they would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant only one effective opportunity to the petitioners to conclude their defence evidence.

6. In the wake of the above, the impugned orders dated 31.03.2023 and 03.08.2023 are set aside and the instant petition is allowed in the following terms:-

- (i) The petitioners are granted one last effective opportunity to conclude their defence evidence.
- (ii) In the event of default by the petitioners, the case shall not be adjourned any further.

(iii) This, however, shall be subject to payment of costs in the sum of ₹ 25,000/- to be paid to the respondent/ complainant which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

November 7, 2023

rps

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