

CRM-M-56379-2023
Date of decision: 08.11.2023

Gurmeet SinghPetitioner

Versus

M/s Sakta Khera Seeds and Pesticides ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Satbir Gill, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 21.07.2023 (Annexure P-6) in a case bearing NACT No.345-2021 dated 24.12.2021 titled as 'Gurmeet Singh Vs. M/s Sakta Khara Seeds & Pesticides.'

Learned counsel for the petitioner *inter alia* contends that after the appearance of the petitioner before the learned trial Court, the case was fixed for the evidence of the complainant. On 10.10.2022, the complainant was not present and an exemption from his personal appearance was sought which was allowed by the learned trial Court and the matter was listed for 04.01.2023. On 04.01.2023, once again, the complainant was not present and his application for exemption from personal appearance was allowed subject to payment of Rs.1,000/- as costs to SDLSA, Dabwali. Thereafter, for the first time, the case was listed for 07.06.2023 for defence evidence and on the very same day, last opportunity was granted and vide impugned order dated 21.07.2023, the oral defence evidence of the petitioner was ordered to be closed.

Learned counsel for the petitioner submits that he is suffering from haemorrhoids and also a diabetic patient, as such, he could not appear to lead his defence on 21.07.2023. As such, he seeks one effective opportunity to lead his oral defence evidence.

Having heard learned counsel for the petitioner and keeping in view the limited prayer made by him, this Court is deciding this case in limine and disposing off without the issuance of notice to the respondent to save the time of the Court as well as curtail the litigation expenses of the respondent.

In view of the facts and circumstances of the case, the present petition is allowed and impugned order dated 21.07.2023 (Annexure P-6) is hereby set aside. The learned trial Court is directed to allow the petitioner to lead his oral defence evidence by granting him one effective opportunity.

(HARPREET SINGH BRAR)
JUDGE

08.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No