

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

121

2023:PHHC:164745

CRR-2777-2023

Date of decision: December 21st, 2023

Sanjay Sharma

.....Petitioner

Versus

Amit Jindal

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the order dated 29.09.2023 passed by learned Judicial Magistrate 1st Class, Sirsa, whereby the additional evidence of the petitioner-complainant has been closed.

2. Learned counsel submits that on 29.09.2023, due to reasons beyond the control of the complainant, examination of the additional witnesses could not take place and the trial Court closed the additional evidence of the complainant vide the impugned order. Learned counsel prays that the petitioner be granted one opportunity to examine the additional witnesses.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Be that as it may, if the petitioner is not granted one more opportunity to examine the additional witnesses, he 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 one last effective opportunity to the petitioner to examine the additional witnesses.

5. Hence, without issuing notice to the respondent, to avoid

any further delay as well as expenses which the respondent shall have to incur to defend these proceedings, the impugned order dated 29.09.2023 is set aside. The instant petition is allowed in the following terms:-

1. The petitioner is granted only one effective opportunity to examine the additional witnesses.
2. In the event of default by the petitioner, the case shall not be adjourned any further for examination of the additional witnesses and the trial Court shall proceed with the trial.
3. This, however, shall be subject to payment of costs in the sum of ₹10,000/- to be paid to the respondent, which shall be a condition precedent.

December 21st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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