

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

**CRM-M No. 6030 of 2024 (O&M)
Date of Decision: 06.02.2024**

Rahul Rai and others
..... Petitioners
Versus
State of Punjab and another
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Kumar, Advocate,
for the petitioners.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition filed under Section 482 Cr.P.C., seek setting aside the order dated 20.12.2023 (Annexure P-5) as well as the order dated 11.01.2024 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Ludhiana in case bearing FIR No. 169 dated 20.09.2011, under Sections 420, 467, 468, 471 & 120-B of IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

[2] Learned counsel for the petitioners submits that this Court, vide order dated 12.12.2023 (Annexure P-4), granted one last opportunity to the complainant-respondent No. 2 (Jaswinder Singh) to appear as a witness as well as produce his entire evidence subject to payment of costs of Rs. 20,000/-. He further submits that upon deposit of the said costs on 20.12.2023, learned trial Court adjourned the matter for 05.01.2024 while granted opportunity to the petitioner for concluding the entire evidence; however, on the same date, one another order was passed, whereby the matter was adjourned for 11.01.2024. Learned counsel, thus, submits that in this way, the respondent-complainant was given opportunity twice to

conclude the evidence.

[3] After hearing learned counsel for the petitioners and going through the paper-book, I am unable to find any substance in the submissions made on behalf of the petitioners.

[4] The present petition is a misuse of process of law at the hands of petitioners. Vide specific order dated 12.12.2023 passed by this Court, one last opportunity was granted to the complainant-respondent No. 2 to conclude his entire evidence, subject to payment of costs of Rs. 20,000/-, which was, accordingly, deposited and on 20.12.2023, learned trial Court initially fixed the case for 05.01.2024 as the date for recording of evidence; however, on a request made by the learned counsel representing the complainant, the matter was posted for 11.01.2024 instead for 05.01.2024, for recording of the evidence and on the said date, six prosecution witnesses were examined. All this has been duly explained by the trial Court in detail, while passing the impugned order.

[5] A perusal of the records also shows that respondent No. 2-complainant was never granted more than one opportunity to conclude the evidence; thus the present petition filed at the instance of the petitioners is wholly misplaced and liable to be dismissed with costs.

[6] In view of the above, finding no merit in the present petition, the same is hereby **dismissed**.

February 06, 2024

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>