

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.399 of 2024 (O&M)

Date of decision: 27th February, 2024

Govind 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)

CRM No.8940 of 2024

The instant application has been filed for condonation of delay of 53 days in filing the revision.

In the light of averments made in the application and in the interest of justice, the same is allowed and delay in filing the revision petition is condoned.

CRR No.399 of 2024

1. 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 ₹ 25,000/- to be paid to the respondent, which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2024
rps

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