

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20870 of 2024

Date of decision: 26th April, 2024

Jaj Singh

... Petitioner

Versus

Paramjit Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balwinder S. Chahal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been preferred under Section 482 Cr.P.C. for quashing of the order dated 16.04.2024 (Annexure P-12) passed by learned Chief Judicial Magistrate, Moga in criminal complaint No.NACT/53/2023 dated 31.01.2023 CNR No.PBMO030004832023, under Section 138 of the Negotiable Instruments Act, 1881, vide which the cross-examination of the complainant/respondent by the petitioner was treated as NIL.

2. Learned counsel for the petitioner inter alia contends that the complainant was examined on 16.04.2024 and on the same day vide a separate order, learned trial Court treated his cross-examination as NIL. Learned counsel submits that cross-examination of the complainant was very much necessary for proper adjudication of the case. A prayer has, therefore, been made that a compassionate view be taken and the impugned orders be set aside.

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

4. A perusal of the record reveals that the petitioner has indeed been negligent in pursuing the case. However, this Court is of the opinion that if the petitioner is not granted one more opportunity to cross-examine the complainant, 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 only one effective opportunity to the petitioner to cross-examine the complainant.

5. In the wake of the above, the impugned order dated 16.04.2024 is set aside and the instant petition is allowed in the following terms:-

- (i) The petitioner is granted only one effective opportunity to cross-examine the complainant.
- (ii) In the event of default by the petitioner, the case shall not be adjourned any further.
- (iii) This, however, shall be subject to payment of costs in the sum of ₹10,000/- to be paid to the respondent/complainant which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

April 26, 2024
rps

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