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

CRM-M-36516-2024

Date of decision : 31.07.2024

Joginder Singh @ Joginder Kumar

.....Petitioner

versus

Yogesh Yadav

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kanwar Abhay Singh, Advocate and
Mr. Govind Rana, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of order dated 13.03.2024 passed by Ld. Judicial Magistrate Ist Class, Gurugram, whereby petitioner's evidence has been ordered to be closed and quashing of order dated 26.02.2024, passed by Ld. Judicial Magistrate Ist Class, Gurugram whereby petitioner's application dated 26.02.2024, seeking an opportunity to cross-examine complainant/respondent, has been dismissed, in complaint case No.NACT/20694/2017 under Sections 138/142 of the Negotiable Instruments Act, 1881. Further prayer has been made for granting certain opportunities to the petitioner for cross-examining the Complainant/Respondent and to adduce its evidence.

It has been submitted by learned counsel for the petitioner that on filing the application, petitioner was granted opportunity to lead his evidence and cross-examine the complainant, however, his counsel suffered the injury in an accident while he slipped from the stairs. It is submitted that on account of the same, counsel for the petitioner could not cross-examine the complainant. He has submitted that the petitioner duly



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approached the Court for granting him one opportunity for cross-examination of the complainant and leading his evidence. However, without appreciating the same, applications filed by the petitioner have been declined and thus, he had been deprived of his due opportunity to cross-examine the complainant and leading his evidence. He in all fairness submits that he be granted two opportunities one for cross-examination of the complainant and second for leading his evidence. He undertakes that the petitioner would not prolong the trial.

On hearing the counsel for the petitioner and perusing the record, this Court finds it appropriate to grant an opportunity to the petitioner for cross-examination of the complainant and leading his evidence. Thus, in the interest of justice, he is granted two opportunities i.e. one for cross-examination of the complainant and another for leading his evidence subject to payment of costs of Rs.10,000/- to be paid to the complainant before availing 1st opportunity. It is made clear that if the petitioner misuse this opportunity, the trial Court is at liberty to proceed with the trial as in accordance with law. Order dated 26.02.2024 passed by learned Judicial Magistrate Ist Class is set aside.

In view of the above, the present petition is disposed of.

(RAJESH BHARDWAJ)
JUDGE

31.07.2024

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