



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

CRM-M No.49074 of 2024
Date of decision: 30th September, 2024

Suman Verma

... Petitioner

Versus

Kamal Verma

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arun Jangra, 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 09.09.2024 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Chandigarh in Complaint No.NACT-15783 of 2019 vide which her application seeking permission for recalling and re-cross-examination of CW-1 has been declined.

2. Learned counsel for the petitioner inter alia contends that re-cross-examination of CW-1 is necessary for the just and proper adjudication of the case, as certain questions and answers pertaining to the proposed sale deed are quite relevant and essential to be brought on record. A prayer has, therefore, been made that a compassionate view be taken and the impugned order 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, at the same time this Court is also conscious that if the petitioner is not granted one more opportunity to cross-examine CW-1, she 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 re cross-examine CW-1.

5. In the wake of the above, the impugned order dated 09.09.2024 is set aside and the instant petition is allowed in the following terms:-

- (i) The petitioner is granted one last effective opportunity to re cross-examine CW-1 on the next date of hearing fixed before the trial Court i.e. 01.10.2024.
- (ii) In the event of default by the petitioner, the case shall not be adjourned any further and the trial Court shall continue with the proceedings.
- (iii) This, however, shall be subject to payment of costs in the sum of ₹25,000/- to be paid to the respondent/ complainant which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 30, 2024
rps

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