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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50108-2024 (O&M)
Date of decision : 04.10.2024

M/s Prime Casting Private Limited and othersPetitioners

versus

M/s Ramnik Steel Traders and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishal Singh, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 10.09.2024 (Annexure P-5) passed by learned Sub Divisional Magistrate, Amloh in NACT/2167/2017 dated 01.11.2017 JMIC, Amloh, Police Station Amloh, District Fatehgarh Sahib, whereby application filed for examination of defence witnesses was dismissed wrongly and illegally.
2. Learned counsel for the petitioners has stated that petitioners are facing the trial in a complaint case filed under Section 138 of the Negotiable Instruments Act by complainant-M/s Ramnik Steel Traders .It has been submitted that petitioners filed an application for examination of 05 witnesses which was declined by the learned trial Court vide order dated 10.09.2024 on the ground that the application has been filed to prolong the proceedings and to harass the complainant which is totally irrelevant and is liable to be set aside. He has further submitted that the petitioners who are the accused in the said complaint have every right to prove their defence. He undertakes to examine the said witnesses in three effective opportunities if granted by the trial Court. He has further submitted that in the facts and

circumstances, the present petition is liable to be accepted and the order under challenge dated 10.09.2024 is liable to be set aside.

3. Heard. This Court deems it appropriate to decide the present petition without issuance of notice to the opposite party as it will delay the proceedings pending before the trial Court and also will result in wastage of time of the parties as well as this Court. It is a well settled law that every accused has a right to plead his defence. In the present case, petitioners want to examine 05 witnesses namely, Bhima Singh, Kewal Singh, Daljit Singh, Sukhwinder Singh and Bara Singh in order to prove their defence. So keeping in view the abovesaid facts, the present petition is allowed subject to payment of cost of Rs.25,000/- to be paid to the complainant. The trial Court is directed to grant 02 effective opportunities to the petitioners to examine their defence witnesses in order to prove their plea. Before examination of the witnesses is started, the petitioners would pay an amount of Rs.25,000/- to the complainant as cost awarded by this Court and then start examining their above named witnesses. It is made clear that in no circumstance, another opportunity beyond 02 opportunities ordered by this Court would be granted to the petitioners for the purpose of leading their defence evidence.

4. Keeping in view the fact that the complaint pertains to the year 2017, the trial Court is requested to grant short adjournments to the parties and conclude the proceedings of the present complaint expeditiously.

04.10.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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