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to get the cross-examination of the petitioner completed and when the petitioner enquired about the status of his case, he has been informed that his case was adjourned to 09.05.2024 and he did not ask about the proceedings and returned.

It is further contended that non-appearance of the petitioner or his counsel on the date fixed was neither wilful nor intentional. Even after noticing the aforementioned facts, the application filed by the petitioner was dismissed and in case, the petitioner is not allowed to complete his cross-examination, it will cause great prejudice to the petitioner and the petitioner would be denied fair opportunity to defend his case.

Having heard learned counsel for petitioner and on perusal of the record, this Court finds force in the arguments advanced by learned counsel for the petitioner.

Procedure is handmaid of justice and its goal is to make the ends of justice meet. In that vein, it must be understood that denial of an opportunity to the accused to present the best available evidence or have an effective and substantial hearing, in order to prove his defence, would amount to a direct violation of his right to free and fair trial enshrined under Article 21 of the Constitution of India as well as the principles of natural justice.

Perusal of the record indicates that the evidence of the petitioner was closed by order and earlier also, the petitioner/complainant once again has not appeared after his partial cross-examination and even failed to deposit the costs of Rs.1,000/- imposed by the learned trial Court. Evidence of the petitioner has been closed twice earlier and vide order dated 09.08.2022, two more opportunities were granted to the petitioner to conclude his evidence.

In view of the discussion above, there is no justification to grant



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the petitioner another opportunity, however, in the interest of justice, without issuing notice to the respondent in order to save time of the Court and to avoid litigation expenses to be incurred on the part of the respondent, the present petition is being decided in *limine* and the impugned orders dated 10.04.2024 and 04.12.2024 (Annexures P-1 & P-2, respectively), are hereby set aside subject to payment of Rs.10,000/- as costs to be deposited with the District Legal Services Authority, Jalandhar with a direction to the learned Judicial Magistrate 1st Class, Jalandhar, to grant two effective opportunities to the petitioner to complete his cross-examination.

Petitioner undertakes to not seek another adjournment or delay the trial in any manner and submits that he would complete his cross examination. Further, in case, the petitioner fails to abide by the undertaking given before this Court, this order shall be deemed to be vacated.

The present petition is disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025

Neha

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