



CRM-M-12526-2025

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125.

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

CRM-M-12526-2025

Date of decision: 11.03.2025

Rajan Verma

.... Petitioner

Versus

Ashish Amrohi

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Harmanpreet Singh, Advocate, for the petitioner.

H.S.GREWAL, J. (ORAL)

1. The instant petition has been filed under Section 528 of BNSS for quashing of orders dated 28.01.2025 passed by JMIC, Amritsar in case No. NACT/1456/2021 titled as Ashish Amrohi Vs. Rajan Verma etc. whereby cross-examination of complainant is marked nil and also quashing of order dated 19.02.2025 vide which the application for recalling of order dated 28.01.2025 has been declined.

2. Learned counsel for the petitioner submits that the petitioner is facing trial under Section 138 of the Negotiable Instruments Act. On 20.01.2025, the petitioner although had appeared before the Court and got his presence marked on the original order sheet dated 20.01.2025 (Annexure P-9). He further submits that the petitioner and his counsel were present on 28.01.2025 prior to lunch break but the respondent was not present so the case was kept for after lunch for awaiting presence of respondent/complainant and when the matter was called after lunch, the counsel was informed that the case has been adjourned to 06.02.2025. He further submits that order was uploaded

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after two days and the counsel for the petitioner was surprised to know that cross-examination of the complainant has been recorded as nil vide impugned order dated 28.01.2025. Thereafter, the petitioner filed an application for recalling of order dated 28.01.2025, which was declined by the trial Court concerned. Learned counsel for the petitioner prays that one opportunity be granted to cross-examine the complainant.

3. In view of the limited prayer made by the learned counsel for the petitioner, this Court deems it appropriate to decide this case without issuing notice to the private respondent. Keeping in view the facts and circumstances of the case and limited prayer made by the counsel for the petitioner, the orders dated 28.01.2025 and 19.02.2025 are set aside and the petitioner is granted one opportunity to cross-examine the complainant on the date fixed by the trial Court subject to payment of Rs.5,000/- as costs to be paid to the complainant by the petitioner. However, no further adjournment shall be granted to the petitioner for cross-examination of the complainant.

4. Accordingly, the petition stands allowed.

(H.S.GREWAL))
JUDGE

11.03.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No