



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

134

CRM-M-13299-2025 (O&M)
Date of Decision: 18.03.2025

SUKHWANT SINGH

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The petitioner has challenged the order dated 01.08.2024 passed by the Court of Judicial Magistrate First Class, Ferozepur in Criminal Complainant No.NACT-4208-2023 titled as '*M/s Aggarwal Khad Store Vs Sukhwant Singh*', whereby an application moved by the petitioner for granting him opportunity to cross examine the complainant had been denied.

2. Brief facts relevant for the purpose of disposal of this petition are that the petitioner has been summoned as an accused in the aforementioned complaint and is facing trial. On 01.08.2024, the matter was fixed for conducting cross examination of one witness namely CW-1 Vijay Kumar. The said witness was present. However, adjournment had been requested by learned counsel for the petitioner which was declined and file was ordered to be put up again at 03:00 PM for the purpose of conducting cross examination. It was taken up at that time. The present petitioner with his counsel was very much present before the Court. However, request for an



adjournment was again made which was rejected and learned trial Court gave direction for treating the cross examination of CW-1 as Nil.

3. It is revealed from the record that the petitioner filed a revision petition against order dated 01.08.2024 before the Court of learned Additional Sessions Judge, Ferozepur. The proprietor of the respondent appeared and gave a statement that he had no objection if an opportunity was granted to the petitioner to conduct cross examination of the witness. The Revisional Court disposed of the revision petition by giving one opportunity to the present petitioner to cross examine the complainant subject to payment of cost of Rs.5000/- to the said witness. It is apparent that the petitioner did not make payment of above mentioned amount of cost and that is why opportunity to conduct cross examination has not been given to him. Now he has approached this Court for granting him one opportunity for that very purpose.

4. I have gone through the record carefully which reveals that the petitioner has not submitted any explanation whatsoever for not complying with the directions issued by the Revisional Court vide order dated 26.09.2024. It is, however, submitted by his Counsel before this Court that it was due to lack of funds that the petitioner could not deposit the amount of cost and hence could not conduct the cross examination. It is urged by him that one opportunity may be granted for this purpose and otherwise the petitioner would suffer irreparable loss.

5. Keeping in view the above discussed facts, though it is apparent that the petitioner has not given any reasonable explanation for not



complying with the order dated 26.09.2024 passed by Revisional Court or for not conducting cross examination of the witness of the complainant despite opportunity being granted to him. However, in order to advance the cause of justice, I am of the opinion that at least one opportunity must be granted to the petitioner to cross examine CW-1 Vijay Kumar.

6. Accordingly, the petition is disposed of with direction to learned trial Court to recall CW-1 Vijay Kumar and give one effective opportunity to the petitioner to conduct cross examination of the above named witness. The petitioner shall, however, be given this opportunity only on payment of an amount of Rs.15000/- as cost to CW-1 Vijay Kumar.

18.03.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |