



**CRM-12400-2025 in/and
CRM-M-14579-2025**

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

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**CRM-12400-2025 in/and
CRM-M-14579-2025
Decided on: 02.04.2025**

Ompal through his Lrs

.....Petitioner(s)

Versus

Umesh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

**Present: Mr. Kanwar Abhay Singh, Advocate
for the applicant-petitioner.**

SANJAY VASHISTH, J.

CRM-12400-2025

i) Present application has been filed under Section 528 of BNSS, 2023, seeking preponement of the date of hearing of the main case i.e. CRM-M-14579-2025.

ii) For the reasons enumerated in the application, same is allowed and the main case is ordered to be preponed and taken up today itself for hearing.

CRM-M-14579-2025

1 Present petition has been filed under Section 528 of BNSS, 2023, on behalf of the complainant by challenging the order dated 20.02.2025(P-16), passed by learned Judicial Magistrate First Class, Gurugram, in complaint bearing No. NACT No.26575 dated 12.06.2019,



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under Sections 138/142 of Negotiable Instruments Act, 1881, whereby evidence of the petitioner/complainant party has been closed.

2. Learned counsel for the petitioner(s) contends that originally the complaint under Section 138 of Negotiable Instruments Act, was instituted by the complainant-Om Pal, who expired on 07.05.2021 i.e. during the proceedings. Thereupon, on moving an application to allow the legal representatives to prosecute the respondent/accused, permission was granted to the petitioner(s) by allowing the application. Since, the original complainant-Om Pal had expired, it is for the legal representatives, who are required to submit themselves for cross-examination and in that regard one application was moved under Section 348 of BNSS, which was allowed on 10.10.2024. For the said purpose, proceedings were fixed for 20.02.2025, but despite of granting of the opportunity, complainant(s) could not submit himself/herself/themselves for the purpose of cross-examination.

3. Mr. Kanwar Abhay Singh, Advocate also submits that due to the visit to Paryagraj to attend the rituals of Mahakumbh, the object for which the proceedings were fixed could not be completed and therefore, vide impugned order dated 20.02.2025 evidence of the complainant(s) has been closed by the Court.

4. Learned counsel for the petitioner(s) submits that in case one opportunity is granted to the petitioner, they are ready to compensate the other side i.e. respondent/accused, for causing delay in the proceedings.



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5. I have heard learned counsel for the petitioner and considered the submissions addressed. Without making any observation/comments over the correctness of the submissions though finding no reason to disbelieve the contention, this Court deems it appropriate to grant one opportunity to the complainant. Petitioner(s) would be at liberty to lead their evidence or submit himself/herself/themselves for cross-examination on 22.04.2025 i.e. the date fixed before learned trial Court. Accordingly, present petition is disposed of by modifying the order dated 20.02.2025 to the extent of closing of the evidence of the complainant, by granting an opportunity for the date already fixed i.e. 22.04.2025. However, this opportunity would be available with the petitioner only on payment of Rs.15,000/- (Rupees fifteen thousand only) to the respondent/accused on the date fixed i.e. 22.04.2025 and thereupon the required proceedings would be conducted by the Court, after recording its satisfaction to that effect.

6. As present petition is disposed of without issuing notice to the respondent, liberty is granted to the respondent that, in case he feels aggrieved by the opportunity granted by this Court, he may file an appropriate application for the **revival of the present petition**. However, in such an eventuality, the respondent will have to return the entire amount of **Rs. 15,000/-** to the petitioner in advance.

**(SANJAY VASHISTH)
JUDGE**

April 02, 2025

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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**