



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

CRM-M-61747-2024
Date of decision: 14.01.2025

M/s Mittal Wire Products and Another ...Petitioners

Versus

M/s Indo Products ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manjot Singh, Advocate for
Mr. Vishal Aggarwal, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 528 of BNSS 2023 seeking quashing of order dated 03.07.2024 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Ludhiana whereby the application filed by respondent/complainant under Section 311 Cr.P.C. was allowed with permission to produce and prove the balance sheet of respondent M/s Indo Products for the year ending 31.03.2017 by way of additional evidence.

2. The counsel for the petitioners submits that the said balance sheet was tendered in evidence by the counsel for respondent by making statement without oath, before the trial Court. The counsel for the petitioners further submits that the petitioners are having right to confront respondent/complainant by putting him the said balance sheet and thus, the petitioners have got legal right to further cross examine the complainant. The counsel for the petitioners further submits that petitioners will be



satisfied if opportunity to further cross-examine the complainant with regard to aforesaid additional evidence is given to them.

3. In light of the above, as the balance sheet in question is tendered in his statement by the counsel for respondent, which was recorded without oath, there was no opportunity for the petitioners to confront the complainant or any other witness by putting said balance sheet to him. The interest of justice demands that in the given circumstances, opportunity is to be granted to the petitioners to further cross-examine the complainant in the manner, as is described above.

4. For the foregoing reasons, the present petition is disposed of and permission is given to the petitioners to recall the complainant for his further cross-examination to confront him with the balance sheet in question. However, it is clarified that the said further cross-examination of the complainant on behalf of the petitioners shall conclude preferably at the earliest by providing not more than two adjournments. The present petition is disposed of in aforesaid terms.

5. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

6. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

14.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No