



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

CRM-M-18489-2026

Date of decision : 07.04.2026

Vikram Dutt Kapoor

....Petitioner

versus

Vanamala Thakorebhai Shah (Prop.) Shriji Associates

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parunjeet Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside the impugned order dated 05.03.2026 passed by learned Judicial Magistrate Ist Class, Ludhiana in Complaint No.COMA-4360-2019, titled as Vikram Dutt Kapoor Vs. Vanamala Thakorebhai Shah, whereby the exemption application of the petitioner was dismissed and the entire complainant evidence was closed. Further prayer has been made for restoration of the complainant evidence and permission to lead further evidence including completion of cross-examination of the complainant (CW1), in accordance with law.

2. Succinctly, facts of the case are that petitioner/complainant has filed a complaint under Section 138 of the Negotiable Instruments Act, against the respondent for dishonour of cheque bearing No.026164 dated 05.03.2019 amounting to Rs.15,00,000/-. On the basis of the preliminary evidence, the trial Court found a *prima facie* case against the respondent and thus, summoned him to face the trial. On the summoning of the respondent, the trial commenced. When the trial was at the advanced stage, after giving effective opportunities, evidence of the



petitioner got closed. Aggrieved by the same, petitioner approached this Court by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has lodged a complaint, however, due to unavoidable circumstances, he could not appear before the trial Court for his cross-examination. He has submitted that learned trial Court without appreciating the facts and circumstances of the case, had declined the application for exemption and closed the complainant's evidence. He submits that the trial Court had closed the evidence of the petitioner at the stage of his cross-examination. He has submitted that the petitioner would suffer an irreparable loss and injury if the present petition is not allowed. He thus, has submitted that the impugned order dated 05.03.2026 being illegal, unjust and improper deserve to be *set aside* and one effective opportunity be granted for cross-examination of the petitioner.

4. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner before this Court is the complainant in the impugned complaint filed under Section 138 of the N.I. Act. The grievance raised by counsel for the petitioner is only that his evidence was closed by order at the stage of cross-examination and he would suffer an irreparable loss and injury if the same is not allowed. Though learned trial Court has observed that the petitioner despite having been granted opportunities has not appeared before the Court, however, in the interest of justice, and in the facts and circumstances of the present case, this Court deems it appropriate to grant the petitioner one effective opportunity to appear before the trial Court for his cross-examination.

Hence, impugned order dated 05.03.2026 is *set aside* subject to payment



of costs of Rs.25,000/- to be paid by the petitioner to the ‘**Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh**’ on his appearance before the trial Court. The trial Court is directed to grant one effective opportunity to the petitioner for his cross-examination, on the date fixed before it.

5. The present petition is disposed of in above-said terms. However, if the learned trial Court finds that the petitioner is misusing this order, it shall proceed in accordance with law.

07.04.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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