



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-7516-2017 (O&M)
Date of Decision:- 28.01.2026

Dr. Rohtash Yadav @ Rohitashav Yadav

... Petitioner

Versus

Mahesh Kumar Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Rahul Vats, Advocate for the petitioner.

None for the respondent.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under Section 482 of Cr.P.C. for quashing the impugned orders dated 21.02.2017 and 23.02.2017 (Annexures P-2 and P-3) passed by learned Judicial Magistrate Ist Class, Narnaul, in a complaint under Section 138/142 of Negotiable Instruments Act.

2. This Court has perused the paper-book as well as impugned orders dated 21.02.2017 and 23.02.2017, operative part of which are as under:

Order dated 21.02.2017

“Perusal of the case file shows that vide order dated 17.03.2015, the case was fixed for post charge evidence. A total of 10 opportunities were accorded to the complainant to lead evidence. Vide order dated 13.02.2017, the last opportunity was accorded to the complainant to produced evidence and the case was adjourned to 17.02.2017. On 17.02.2017 as well no



evidence was produced on behalf of the complainant. One more opportunity was accorded to the complainant to lead evidence subject to the payment of costs of Rs. 500/- be to deposited in DLSA. List of witnessed had not been filed on any previous occasion. No tenable justification had been given on behalf of the complainant for his failure to produce the list of witnesses earlier. It appears that the complainant is intentionally trying to delay the proceedings of this case. Thus, the application for summoning the witnessed has been dismissed. Now to come upon 23.02.2017, the date already fixed for remaining evidence of complainant.”

Order dated 23.2.2017

“One PW/complainant namely Dr. Rohtash is present and his cross-examination has been completed. The learned counsel for the complainant has suffered a separate statement wherein he has submitted that he wants to file a revision against the order dated 21.02.2017 and should be granted an adjournment for approximately for 10-15 days. Perusal of the case file shows that a total of 10 opportunities have been accorded to the complainant to produce post charge evidence. On 13.02.2017, last opportunity was accorded to the complainant to lead evidence but to no avail. On 17.02.2017, one more opportunity was accorded to the complainant to produce evidence subject to the payments of costs of Rs.500/- in DLSA. No other evidence has been produced by the complainant in the court today. Mere intention to file a revision application against an order is not a reason sufficient enough to grant adjournment. In view of discussed factual scenario, the post charge evidence of the complainant is closed by court order. Now to come up 04.03.2017 for recording statement of accused u/s 313 Cr.PC.”



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3. After perusing the impugned orders, this court does not find any error or illegality as learned trial Court was justified in giving its findings while passing impugned orders, that despite availing more than ten opportunities to adduce post charge evidence, petitioner has failed to do so. It is trite that an application under Section 311 of Cr.P.C., would in the normal circumstance be permitted except in cases where such applications are filed only to drag the proceedings. Ergo, the present petition is dismissed being devoid of merits.

28.01.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No