SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2292/2026 Vinod Kumar ……..Applicant **Versus** State Of Uttarakhand ……Respondent **Hon'ble Alok Mahra, J.** Mr. Narendra Bali, learned counsel for the applicant. 2. Mr. V.S. Pal, learned A.G.A. for the State. 3. The present application under Section 528 of the B.N.S.S., has been filed seeking quashing of the impugned order dated 19.08.2026 passed by the learned Judicial Magistrate-III, Haridwar, in Complaint Case No. 1042 of 2023 (Computer Registration No. 873 of 2016), under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'the N.I. Act'). The applicant has further prayed that his application dated 19.11.2025, filed under Section 311 Cr.P.C., be allowed and that he be granted one final effective opportunity to appear before the learned trial court to adduce his evidence and submit himself to cross-examination, notwithstanding the closure of his evidence vide order dated 19.09.2025. 4. Learned counsel for the applicant

			would submit that the applicant is the complainant in the aforesaid complaint case instituted under Section 138 of the N.I. Act; that, the cheque in question was issued by respondent no. 2 towards the discharge of a legally enforceable liability but was dishonoured with the endorsement 'Account Closed"; that, despite service of the statutory legal notice, respondent no. 2 failed to pay the cheque amount, compelling the applicant to institute the complaint in question along with his affidavit in evidence. 5. Learned counsel would further submit that on 27.11.2024, the substance of accusation under Section 251 Cr.P.C. was explained to respondent no. 2, whereafter the matter was fixed for the complainant's evidence, however, on 18.12.2024, the applicant failed to appear before the learned trial court, resulting in the closure of his opportunity to adduce evidence and the matter being fixed for recording the statement of respondent no. 2 under Section 313 Cr.P.C. 6. He would further submit that the statement of respondent no. 2 under Section 313 Cr.P.C. was recorded on 21.01.2025, whereafter the applicant moved an application under Section 311 Cr.P.C. seeking an opportunity to adduce his evidence; that, the said

			application was allowed by the learned trial court, and an opportunity was granted to the applicant to lead his evidence; that, however, owing to various medical ailments, the applicant allegedly could not appear before the learned trial court and avail the opportunity so granted; that, the applicant subsequently moved another application dated 19.11.2025 under Section 311 Cr.P.C., seeking one further opportunity to adduce his evidence on medical grounds, wherein respondent no. 2 filed objections to the said application, which came to be rejected by the learned trial court vide the impugned order dated 19.08.2026. 7. It is contended that the learned trial court failed to appreciate the necessity of the applicant's evidence for the proper adjudication of the complaint and that denial of a further opportunity would cause serious prejudice to the applicant. Accordingly, learned counsel prays that the impugned order be set aside and the application under Section 311 Cr.P.C. be allowed by granting the applicant one final opportunity to adduce his evidence. 8. Per contra, learned State counsel would oppose the submissions advanced on behalf of the applicant and submit that the learned trial court

			had already granted sufficient opportunities to the applicant to adduce his evidence; that, despite the opportunity granted pursuant to the earlier application under Section 311 Cr.P.C., the applicant failed to avail the same and would support the impugned order. 9. Heard learned counsel for the parties and perused the material available on record. 10. A perusal of the record reveals that the opportunity granted to the applicant to adduce his evidence was closed on account of his non-appearance. Subsequently, upon an application filed by the applicant under Section 311 Cr.P.C., the learned trial court restored the opportunity and permitted him to adduce his evidence. However, despite the said indulgence, the applicant failed to avail the opportunity so granted. Consequently, the proceedings progressed further, and the statement of respondent no. 2 under Section 313 Cr.P.C. was recorded. The matter thereafter reached the stage of final hearing, whereupon the applicant once again moved an application under Section 311 Cr.P.C. seeking a further opportunity to adduce his evidence. 11. The power under Section 311 Cr.P.C. is discretionary, except where

			the evidence of a witness appears essential to the just decision of the case. However, it cannot be invoked routinely to grant repeated opportunities without sufficient justification. In the present case, despite an earlier opportunity, the applicant failed to adduce evidence. No sufficient ground is made out to interfere with the learned trial court's order, as the mere assertion of medical ailments does not justify the repeated failure to avail the opportunity already granted. 12. In view of the foregoing discussion, this Court finds no patent illegality, perversity or jurisdictional error in the impugned order dated 19.08.2026 warranting interference in the exercise of its inherent jurisdiction under Section 528 of the B.N.S.S. Consequently, no case for interference is made out. 13. Accordingly, the present C-528 application is dismissed. 14. No order as to costs. **(Alok Mahra, J.)** 27.10.2026 Mamta

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