

TECHOLIC VS GURVINDER PAL SINGH @G.P.SINGH etc.

Present: Sh. Amit Jain Advocate for the Complainant.
Accused on bail represented by Counsel Sh. Aashim Rana
Advocate.

File received by transfer in view of order passed by Learned
District & Sessions Judge, Chandigarh bearing Endst.No.DSJ-EC-24/6143
dated 12.08.2024. It be checked and registered.

Notice of accusation has been served upon the accused to which he
pleaded not guilty and claimed trial. Both the parties have been examined
orally after hearing their submissions with regard to instant complaint, this
Court is of the considered view that it would not be appropriate to try the instant
complaint as an summary case as the matter requires through consideration. For
proper adjudication of the matter, the accused need fare opportunity to cross-
examine the complainant and would also need opportunity to lead evidence in
defence. Considering of this fact, this Court find it properly to try the instant
complaint as summons case under Chapter XX of CRPC.

At this stage an application under Section 145 (2) of Negotiable
Instrument Act has also been filed by the learned counsel for the accused in
view of law passed by the **Hon'ble Supreme Court in the case titled as Indian
Bank Association etc. Versus Union Bank of India cited as 2014 (2) RCR 598.**
The above said application is moved to giving an opportunity to conduct the
cross examination of the complainant and the other witnesses which were
previously examined at the stage of preliminary evidence. Instead of filing
reply to said application, learned counsel for the complainant, who is present in
the court has endorsed no objection on the application itself. Heard. Keeping in
view of the cardinal principle of justice as nobody should be condemned
without giving him opportunity of being heard and also in view of orally no
objection of the counsel for complainant, the present application is allowed, as
prayed for. The complainant is directed to supply copy of affidavit filed in
preliminary evidence to the accused or his counsel one day in advance to the
date fixed. For evidence of complainant, file be put up on 16.10.2024.

Date of Order: 14.08.2024
Maan Singh, Stenographer Gr-II

Jasbeer Singh
Judicial Magistrate Ist Class,
Chandigarh/UID No.PB-0490