



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

CRM-M-27914-2025

Date of Decision:21.05.2025

Subhash Kumar

...Petitioner

vs.

State of Punjab and Anr.

...Respondents

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present: Mr. Sumeet Puri, Advocate
for the petitioner (through VC).

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to issue appropriate directions to the Court of Additional Sessions Judge, Mansa to decide the application (Annexure P-3) moved by the petitioner under Section 391 r/w Section 311 of Cr.P.C in a time bound manner.
2. Learned counsel for the petitioner submits that the petitioner was convicted for committing the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo R.I for a period of 02 years and to pay compensation to the tune of Rs.50,000/- along with interest at the rate of 9% per annum with effect from date of issuance of cheque.
3. The petitioner filed an appeal before the Court of Sessions Judge, Mansa and the said appeal is now pending before the Court of Additional Sessions Judge, Mansa. During the pendency of the appeal, the petitioner/appellant had filed an application under Section 391 r/w Section 311

Cr.P.C to recall/further cross-examination of Gurjeet Singh, complainant. The said application was filed by the petitioner on 18.04.2024 and is pending for the last for than one year. Learned counsel has referred to various zimni orders (Annexures P-4 to P-8) to contend that the Appellate Court has repeatedly adjourned the case, without any justification. Consequently, appropriate directions may be issued to the Appellate Court to decide the application (Annexure P-3) in a fixed time period.

4. Notice of motion.

5. On the asking of the Court, Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and submits that he has no objection with the prayer made by learned counsel for the petitioner in the present case.

6. Further, Gurjeet Singh, complainant/respondent No.2 has also been impleaded as a party in the present case, however, this Court does not deem it appropriate to issue notice to respondent No.2, at this stage, as this order is not going to prejudice the rights of respondent No.2 in any manner in the present case and this will save the time and energy of the respondent No.2/complainant.

7. I have heard the learned counsel for the parties and perused the record carefully.

8. At this stage, it is apparent that the application under Section 391 r/w 311 of Cr.P.C filed by the petitioner is pending before the Appellate Court for the last more than one year. Even, it is apparent from the zimni orders that the respondent is adopting dilatory tactics before the Trial Court and the case has been adjourned several times.

9. Consequently, it will be appropriate, if directions are issued to the

Appellate Court/Additional Sessions Judge, Mansa to decide the application (Annexure P-3) within a period of two months, from today.

10. Ordered accordingly.

11. Disposed of.

21.05.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

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