

Negotiable Instruments Act, 1881 (26 of 1881), Section 145 – After serving notice in terms of Section 251 of the Cr.P.C., upon an accused, the Trial Court shall fix the case for defence evidence, unless an application is made by the accused under Section 145(2) of the Act for recalling a witness for cross-examination – Magistrate must ensure that the procedure relating to examination-in-chief, cross-examination and re-examination of the complainant must be conducted within three months of assigning the case – In case the complainant is required to be re-examined, the Court needs to pass a specific order either on the application under Section 145(2) of the N.I. Act or suo motu by the Court. *Held*, matter listed for the cross examination of the complainant. Trial Court has rightly allowed the complainant for re-examination suo motu, keeping in view the peculiar facts and circumstances of the present case and the stakes involved therein. Application of the accused for striking off the evidence has rightly been dismissed. If the complainant is not allowed in the case at hand to file detailed affidavit, then the purpose and purport of the provisions contained in the N.I. Act would be rendered to be a nullity and the same would definitely prejudice the indefeasible rights of the complainant.

2022 PLRonline 8153 (P&H)

M/S HARIHAR POLYMERS v. M/S SABSONS AGENCIES PVT. LTD, (2022-1)205 PLR 370, 2022 PLRonline 8153