

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

(Through Video Conference)

CRMC No. 166/2018

IA No. 1/2018

Abdul Hamid Misger

...Petitioner/Applicant(s)

Through :- Mr. M. A. Qayoom, Advocate

V/s

Ashfaq Ahmad Bhat

.....Respondent (s)

Through :- Mr. Gul Ayaz, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

(through Video Conference from residence in Jammu)

ORDER

27.11.2020

The petitioner feeling aggrieved by the rejection of the application filed under section 540 Cr. P.C. to allow the petitioner to bring the witnesses, namely Hakim Fayaz Ahmad S/o Abdul Ahad R/o Habba Kadal, Srinagar and Muzamil Ahmad alias Setha (auto driver) R/o Bemina Srinagar and the then Branch head, SBI, Budsha Chowk, Srinagar has questioned the order dated 19.02.2018 passed by the Special Mobile Magistrate, Srinagar and simultaneously order dated 11.03.2016 has also been assailed.

During the course of hearing, learned counsel for both the sides have agreed that one opportunity only may be granted to the petitioner to produce the aforesaid witnesses and all the documents.

In view of the above, this petition is disposed of with a direction that the trial court with the consent of both the parties shall fix one particular date, on the said date all the aforesaid witnesses shall be produced on his own and examined by the petitioner and also all the documents shall be produced by the petitioner on that date only. No further adjournment shall be granted to the petitioner and in the event, any of the witnesses, is not produced on the fixed date, the evidence shall be deemed

to have been closed on the said date. It is made clear that no further opportunity shall be granted to the petitioner for examination of any of the aforesaid witnesses. The petitioner shall pay costs of Rs. 5000/- to the respondent and the same shall be paid before the trial court. However, in case the evidence is not concluded on account of conduct of the complainant, the trial court shall fix a further date.

Both the parties shall cause their appearance before the trial court on 10.12.2020.

Registry to send a copy of this to the learned trial court.

(RAJNESH OSWAL)
JUDGE

JAMMU
27.11.2020
Rakesh

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

