

IN THE HON'BLE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM- M 1-1-2012 of 2012

Naresh Kumar Garg Proprietor of M/s Shriram Associates,  
Lakhpat Singh Market, Mohna Road, Ballabgarh, Distt. Faridabad  
...Petitioner

Versus

M/s Steel Mongers India Pvt. Ltd., B-242-243, Nehru Ground,  
Faridabad, through its Director Rajesh Gupta  
....Respondent

PETITION UNDER SECTION 482 CR.P.C. FOR  
QUASHING ORDERS DATED 31.5.2011 AND  
10.2.2012 (ANNEXURE P-2 & P-4) RESPECTIVELY  
PASSED BY LD. JMIC, FARIDABAD AND LD. ADDL.  
SESSIONS JUDGE, FARIDABAD IN REVISION  
PETITION, IN COMPLAINT NO. RBT 2606/1.6.2010,  
WHEREBY APPLICATION OF THE PETITIONER  
UNDER SECTION 45 OF INDIAN EVIDENCE ACT FOR  
SEEKING EXPERT OPINION HAS BEEN DISMISSED  
ERRONEOUSLY AND ILLEGALLY;

AND FOR THE DIRECTION TO THE LD. TRIAL COURT

Criminal Misc. No.49957 of 2012 in  
Criminal Misc. No. M-5688 of 2012

Naresh Kumar Garg vs. M/s Steel Mongers India Pvt. Ltd.

Present:- Mr. Rajesh Arora, Advocate,  
for the applicant-petitioner.

None for the respondent.

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This application has been filed for staying further proceedings before the trial Court on the ground that while issuing notice of motion on 27.02.2012, the trial Court was directed to adjourn the case beyond the date given by this Court.

Learned counsel for the applicant-petitioner submits that on the last two dates of hearing, the case could not be heard as turn did not come but the interim direction issued by this Court was not vacated. Learned counsel also submits that the trial Court is not adjourning the case as the interim direction issued by this Court on 27.02.2012 has not been extended further. Learned counsel for the applicant has also brought to the notice of the Court that the trial Court has specifically mentioned in the order dated 13.08.2012 that since proceedings before the trial Court has not

interim direction cannot be continued unless some

**Criminal Misc. No.49957 of 2012 in**

**Criminal Misc. No. M-5688 of 2012**

**Naresh Kumar Garg vs. M/s Steel Mongers India Pvt. Ltd**

of the case. It is also clear that the interim direction issued by this Court on 27.02.2012 has also not been vacated and moreover, the interim direction issued by this Court was not till the next date of hearing. It was mentioned that the trial Court is to adjourn the case beyond the date given by this Court. This order clearly shows that interim direction issued remains unless some other order is passed or interim direction issued by this Court is vacated. Even from the interim direction, it is clear that the direction was not for a particular time period.

The copy of this order be sent to all District and Sessions Judges so that there may not be any confusion while passing the orders by the Courts below and order be passed only after taking into consideration the subsequent order. In case, the case is not heard or the same is adjourned by order, the interim direction already passed, will be continued.

Accordingly, the application is allowed and interim direction issued by this court on 27.02.2012 shall remain continued till further orders.

**Criminal Misc. No. M-5688 of 2012 (O&M)**

Present:- Mr. Rajesh Arora, Advocate,  
for the petitioner.

**Criminal Misc. No.12036 of 2012**

Allowed as prayed for

**Criminal Misc. No. M-5688 of 2012**

Learned counsel for the petitioner while relying upon the judgment of Hon'ble Supreme Court in **T. Nagappa versus Y.R. Muralidhar, 2008(3) R.C.R. (Criminal) 926**, inter alia contends that the rejection of the prayer of the petitioner in not granting an opportunity for seeking expert opinion amounts to miscarriage of justice.

Notice of motion for 19.04.2012.

Meanwhile, trial Court is directed to adjourn the case beyond the date given by this Court.

SD/- DAYA CHAUDHARY  
JUDGE

27.02.2012  
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