2026:HHC:9065

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 228 of 2026
Date of Decision: 25.3.2026

Kaku Kumar

.....Petitioner

Versus

Arun Kumar Thakur

.....Respondent

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Gurmeet Bhardwaj, Advocate.
For the Respondent: Nemo.

Sandeep Sharma, J. *(Oral)*

Being aggrieved and dissatisfied with order dated 3.1.2026, passed by the learned Judicial Magistrate First Class-III, Hamirpur, District Hamirpur, Himachal Pradesh, whereby evidence of the petitioner-accused has been closed, petitioner has approached this Court in the instant proceedings, praying therein to set aside aforesaid order and grant one opportunity to lead the evidence.

2. Having regard to the nature of order proposed to be passed, this Court sees no necessity to issue notice to the respondent and as such, same is dispensed with.

3. Having heard learned counsel for the petitioner and perused the material available on record vis-à-vis reasoning assigned in the order impugned in the instant proceedings, this Court finds no illegality or

2026:HHC:9065

infirmity in the impugned order. Since it is quite apparent from the impugned order dated 3.1.2026, passed by the court below that repeatedly, opportunities came to be granted to the petitioner to lead the evidence, no illegality otherwise can be said to have been committed by the court below while passing impugned order, however, by way of indulgence and as a last opportunity, this court deems it fit to grant one opportunity to the petitioner to lead the evidence subject to payment of cost of Rs. 5000/- to the respondent. Ordered accordingly.

4. Consequently, in view of the above, present petition is allowed and order dated 3.1.2026, in as much as defense of the petitioner to lead the evidence was closed, is quashed and set-aside with direction to the petitioner to remain present before the court below on **8.4.2026**, enabling it to fix a date for issuance of notices and recording defense evidence, failing which order dated 3.1.2026, shall automatically revive and no more opportunity would be granted to the petitioner. It is made clear that petitioner shall only be permitted to lead the evidence on the date to be fixed by the court below subject to production of receipt qua the payment of cost in favour of the respondent. In the aforesaid terms, present petition is disposed of along with pending applications, if any.

March 25, 2026
(manjit)

(Sandeep Sharma),
Judge