

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) no. 360/2022
CrIM no. 1043/2022

Mohammad Amin Bhat

...Appellant(s)/Petitioner(s)

Through: Mr. M. Saleem Parray, Advocate

Vs.

Mr. Mohammad Sartaj Madni

...Respondent(s)

Through: Mr. Mohammad Ashraf Malik, Advocate with
Mr. Sheikh Umar Farooq, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
18.11.2025

Heard learned counsel for the parties and perused the record on file.

Petitioner is aggrieved of order dated 25.07.2022, passed by Chief Judicial Magistrate, Anantnag (for short "Trial court"), whereby the Trial court has declined the petitioner to ask questions on the basis of some newspaper cuttings.

The Trial court while relying upon Section 145 of Evidence Act has observed and held that the petitioner could not be permitted to put questions to the witness(s) on the basis of the paper cuttings as under Section 145 of the Evidence Act, the witness can be cross-examined with regard to the previous statement made by him in writing or reduced into writing and relevant to the matter in question without such writing being shown to him or proved, but if, the said witness is intended to be contradicted by writing his attention must be called to those parts which are used for contradicting him before writing can be proved. Section 145 of Evidence Act is reproduced as under:

“145.Cross-examination as to previous statements in writing:- A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by writing, his attention must, before the writing can be proved, be

called to those parts of it which are to be used for the purpose of contradicting him.”

Argument of the learned counsel for the petitioner is that Trial court ought to have permitted petitioner to put question to the witness on the basis of paper cuttings writing, though such writings are not that of the witnesses nor such statements were reduced into writing.

Statement which are being suggested by the petitioner’s counsel to put to the witness does not fall within the purview of Section 145 of the Evidence Act as it would be only the statement of the witness made by him previously and reduced into writing which could not be put to him for purpose of contradicting him.

Undisputedly, the writing in the paper cuttings are not the statements made by the witness, therefore, such statements could not be permitted to be put to the witness to contradict him. Any permission granted to contradict the witness on the basis of such statements will be violation of Section 145 of the Evidence Act.

The Trial court has, thus, having regard to the provisions as contained in Section 145 of the Evidence Act, rightly passed the order impugned, which does not call for any interference. **Dismissed** along with connected CrIM(s).

Trial court shall, however, proceed in the matter in accordance with law.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
 18.11.2025
“Imtiyaz”