



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010396272026

+ **CRL.M.C. 6225/2026 & CRL.M.A. 25998/2026, CRL.M.A. 25999/2026**

DEVINDER SINGH

.....Petitioner

Through: Mr. Sauraj Yadav and Ms. Pratibha
Yadav, Advs. (*through VC*)

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.....Respondents

Through: Mr. Hemant Mehla, APP
SI Sohit, PS Bindapur

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **24.08.2026**

1. This hearing has been done through hybrid mode.
2. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS'), the petitioner seeks setting aside of the order dated 28.02.2026 passed by the learned Trial Court in CR. Case No. 14203/2019, arising out of FIR No. 983/2018 registered at Police Station Bindapur, under Sections 498A/406/34 of the Indian Penal Code, 1860, whereby the application filed by respondent no. 2 seeking permission to place on record certain medical documents was allowed.
3. Briefly stated, the petitioner is facing trial in the abovementioned FIR filed by the Respondent no.2. During prosecution evidence, respondent no. 2 sought to place on record two medical documents dated 01.10.2015 and 12.10.2015, stating that the same had been supplied to the Investigating



Officer during investigation but were inadvertently omitted from the charge-sheet. The learned Trial Court allowed the application vide order dated 28.02.2026 and took the documents on record. The petitioner challenged the said order before the Sessions Court, but the revision was dismissed on 06.07.2026, leading to the present petition.

4. Learned counsel for the petitioner submits that the impugned order dated 28.02.2026 is unsustainable as the learned Trial Court has permitted respondent no. 2/ Complainant to place on record medical documents dated 01.10.2015 and 12.10.2015, which were admittedly not part of the charge-sheet filed by the Investigating Agency. It is contended that the investigation had already culminated in filing of the charge-sheet on 30.07.2019 and charges had thereafter been framed. The documents were sought to be introduced only at the stage of prosecution evidence, despite the complainant having been participating in the proceedings since much prior thereto.

5. It is further submitted that if there was any inadvertent omission on the part of the Investigating Officer, the appropriate course would have been for the Investigating Agency to place the documents on record by way of a supplementary chargesheet.

6. Learned counsel further submits that the complainant herself had been examined earlier and had sufficient opportunity to produce the documents. It is further submitted that the documents pertain to the year 2015, whereas they were sought to be introduced only now.

7. Learned counsel for the petitioner further submits that the documents are doubtful and their authenticity is seriously disputed by the petitioner. Learned counsel submits that the learned Trial Court ought not to have accepted the explanation of respondent no. 2 merely on the basis of her



statement that the documents had been supplied to the Investigating Officer.

8. *Per contra*, Learned APP for the State submits that the learned Trial Court has exercised its discretion after hearing both sides and has merely permitted the relevant medical documents to be taken on record.

9. Learned APP submits that the trial is still at the stage of prosecution evidence and the cross-examination of the complainant has not yet commenced. The petitioner would therefore have an effective opportunity to confront the complainant and the Investigating Officer.

10. Learned APP further submits that the fact that the documents were not initially annexed with the charge-sheet cannot operate as a bar against their being brought on record subsequently, even after filing of the charge-sheet, where such documents are relevant for the just adjudication of the case and their production does not cause prejudice to the accused.

11. I have heard the parties and perused the material on record.

12. The limited question which arises for consideration in the present petition is whether the learned Trial Court was justified in permitting respondent no. 2 to place on record the medical documents dated 01.10.2015 and 12.10.2015, which were not annexed with the charge-sheet, at the stage of prosecution evidence.

13. A bare perusal of the impugned order dated 28.02.2026 shows that the learned Trial Court has considered submissions of the petitioner and has thereafter exercised its discretion to permit respondent no. 2 to place on record the medical documents dated 01.10.2015 and 12.10.2015. The learned Trial Court has recorded that the said documents were stated to have been produced before the Investigating Officer during investigation, but had inadvertently not been annexed with the charge-sheet. It has further taken note of the fact



that the documents were already part of the judicial record in the proceedings under the Protection of Women from Domestic Violence Act, 2005 between the same parties.

14. The learned Trial Court has also specifically considered the prejudice alleged by the petitioner and has observed that the cross-examination of the complainant had not yet commenced and that the accused would have a full opportunity to cross-examine the complainant as well as the Investigating Officer with regard to the said documents, including their authenticity and the circumstances of their late production. The learned Trial Court accordingly directed that a complete and legible set of the documents be supplied to the learned counsel for the accused.

15. In the considered view of this Court, the mere fact that the documents were not annexed with the charge-sheet does not, by itself, render them incapable of being brought on record during the course of trial. The learned Trial Court, in exercise of its powers under Section 311 Cr.P.C., is entitled to permit production of material which appears relevant and necessary for the just decision of the case, provided that the accused is afforded an effective opportunity to meet and challenge such material. In **Natasha Singh v. Central Bureau of Investigation, (2013) 5 SCC 741**, the Supreme Court held that the object of Section 311 Cr.P.C. is to enable the Court to discover the truth and arrive at a just decision, while ensuring that such power is exercised judiciously and does not cause prejudice to either party.

16. In the present case, the learned Trial Court has exercised the aforesaid discretion judiciously. Furthermore, the petitioner has been supplied the documents and would have an effective opportunity to confront and cross-examine the complainant and the Investigating Officer with regard to their



production, source and authenticity.

17. The contention of the petitioner that the documents are false, fabricated or otherwise doubtful raises disputed questions of fact. The veracity, genuineness, authenticity and evidentiary value of the said documents are matters to be determined by the learned Trial Court at the appropriate stage of trial. Merely taking the documents on record does not amount to acceptance of their contents or genuineness.

18. In view of the aforesaid, this court finds no infirmity, illegality or perversity warranting interference by this Court in exercise of its jurisdiction under Section 528 of the BNSS.

19. Accordingly, no ground for interference is made out. The present petition is dismissed.

20. Pending application(s), if any, stand(s) disposed off.

21. A copy of this order be sent to the learned trial court for necessary compliance and information.

22. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 24, 2026/sd