

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.231-CR-3263-2014

Decided on: 05.05.2015

SHASHI KOHLI

.....Petitioner

VS

LOVE DEV

.....Respondent

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr.Sanjay Vij, Advocate
for the petitioner.
Mr.Gaurav Mohunta, Advocate
with Mr. Suman Jain, Advocate
for the respondent.

K.KANNAN, J

The revision is a needless exercise. The respondent attempts to produce a secondary evidence of the receipt that contains no reference to the plaintiff. The contention is that it is a self serving document. Perhaps it is. Under normal circumstances, a receipt which is issued by the defendant cannot be in the hands of the defendant himself. If that is the contention which the plaintiff states, then it is open for the defendant to elicit in the cross examination, the fallibilities inherently attaching to the document. He cannot be prejudiced by production of a secondary evidence, if all that is necessary for its reception under Section 65 is to say that the original is missing or in the custody of the other person. A basis is made through the application filed and it is for the defendant to show the unreliability of the document for the inherent defects that the manner of production and that the contents of the document sought to be relied on. I find nothing wrong about the reception of the document and it is open to the defendant to effectively put forward his defence as regards the document.

I will make no intervention to the order already passed and dismiss the revision petition with the above observations.

05.05.2015

mamta

(K.KANNAN)

JUDGE