

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM No. M-24072 of 2015**

Date of decision:- July 24, 2015

**Rosil Glass Works and another**

**.....Petitioners..**

**Vs.**

**Ajay Goel**

**....Respondent..**

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. Deepak Sharma, Advocate,  
for the petitioners.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**JASPAL SINGH, J.**

Instant petition has been filed under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") for quashing of order dated July 08, 2015 passed by Id. Additional Sessions Judge, Ambala in Criminal Revision No. 67 of 2015, whereby revision petition filed by petitioner against order dated April 30, 2015 passed by Id. Judicial Magistrate, First Class was dismissed observing that revision against said order is not maintainable. Further prayer has been made for quashing of order dated April 30, 2015 (Annexure P-4) whereby application moved by petitioner under Section 311 Cr.P.C. read with Section 165 of the Evidence Act for permission to prove applications/complaints dated February 23, 2015 and March

28, 2015 moved by Naresh Kumar and Kamal Dhiman, respectively by way of additional evidence, was dismissed.

2. While assailing impugned order(s), it has been contended by learned counsel for petitioner that respondent filed a complaint on the basis of alleged supply of material amounting to ₹13,62,600/- vide bill No.858 dated November 16, 2010 and bill No. 863 dated November 22, 2010. Respondent along with his family members indulged into illegal and wrongful activities and their modus operandi is to get the blank cheques signed as security and after filling-up blanks of cheques, used to show in their record the sale of material without its supply. He is defrauding the people as a consequence of which FIR No. 464, dated September 12, 2013 has been registered against him. The petitioner has also come to know that Naresh Kumar and Kamal Dhiman have lodged complaints against whom supply of material was illegally shown by respondent. To highlight the conduct of respondent, petitioner moved an application under Section 311 Cr.P.C. read with Section 165 of the Evidence Act to place on record complaints filed by above said persons by way of additional evidence but that was declined without assigning cogent reason by Id. Magistrate. In fact, complaints/applications are necessary to be placed on record for the just and appropriate decision of the case, which were not available with the petitioner earlier.

3. This Court has given an anxious thought to the aforesaid submission made by learned counsel for petitioner and has perused the impugned order(s) and documents available on file.

4. The object of Section 311 Cr.P.C. is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the evidence adduced. In fact, determinative factor is whether evidence sought to be produced by way of additional evidence is essential to the just decision of the case.

5. The sole question which arises is whether applications/complaints moved by Naresh Kumar and Kamal Dhiman against respondent are necessary for just and proper adjudication of matter in controversy and answer to this question is in the negative, for the simple reason that petitioner is facing trial under Section 138 of the Negotiable Instruments Act, 1881 as a cheque issued by him was dishonored on its presentation. For the disposal of said controversy, complaint(s), if any, lodged by some other persons are not necessary or essential for the just decision of the case. Rather, filing of such application is suggestive of the fact that petitioner is delaying the matter. He availed large number of opportunities for adducing evidence in defence and when matter was going to be decided, instant application was moved. Undoubtedly, powers possessed by Court under Section 311 Cr.P.C are wide and unlimited. However, limitations are only as regards to documents or things to be necessary or desirable for the purposes of deciding the case. It has to be exercised sparingly, cautiously and carefully i.e. to do real and substantial justice. Since, documents sought to be produced by way of additional evidence have got no relevancy with the complaint case being faced by petitioner, application under

Section 311 Cr.P.C. has rightly been dismissed by Id. Magistrate. This Court does not find any illegality, infirmity or impropriety in the impugned order.

6. In the light of facts and circumstances as well as discussion narrated above, instant petition stands dismissed.

**(JASPAL SINGH)**  
**JUDGE**

July 24, 2015  
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