

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28708 of 2015

.....

Date of decision:9.10.2015

Harbhajan Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Chadha, Senior Advocate with Ms. Arti Kaur,
Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the impugned order dated 13.8.2015 (Annexure-P.3) passed by learned Additional Sessions Judge, Ludhiana, vide which the application dated 15.12.2011 (Annexure-P.2) filed by the petitioner/complainant for placing on record the copy of the telephone directory showing that telephone number (209) 367-8675 stands issued in the name of Gurcharan Singh alias Harcharan Singh Grewal, one of the accused in FIR No.66 dated 15.4.2009 registered for the offences under Sections 364, 325, 342, 107, 506 and 120-B IPC at Police Station Sadar Ludhiana, District Ludhiana, has been illegally dismissed.

I have heard learned senior counsel for the petitioner and have gone through the record.

From the record, I find that an application (Annexure-P.2) has been filed by the petitioner during the trial for placing on record a copy of the directory of phone numbers showing phone No.(209) 367-8675 in the name of Harcharan Singh Grewal, who is one of the accused in the above mentioned case. The learned Additional Sessions Judge, Ludhiana, vide impugned order dated 13.8.2015 dismissed the application.

A perusal of the averments made in the application itself shows that the applicant/petitioner is asking for placing on record the telephone directory. He is nowhere asking to prove it by bringing the evidence. Admittedly, the telephone directory is not per se admissible document. If the petitioner does not want to prove the telephone directory, then as to how it can be read into the evidence. It is nowhere the case of the petitioner even at the time of arguments that he wanted to prove the directory which he wants to place on record. So, the document which is not per se admissible and which is not proved on the record as per the Evidence Act cannot be looked into and, in no way, it can be held essential/necessary to be produced for the just decision of the case. The learned Additional Sessions Judge while deciding the application has discussed the cross-examination of the witness (petitioner) and also relied upon the law laid down by the Hon'ble Supreme Court wherein it has been held that the witness which cannot be called and the document which could not be proved cannot be allowed to be placed on record. The impugned order dated 13.8.2015 passed by the learned Additional Sessions Judge, Ludhiana, is correct, as per law and does not require any interference from this Court.

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Therefore, finding no merit in this petition, the same is dismissed. The record of the Court below be returned immediately.

October 9, 2015.

(Inderjit Singh)
Judge

hsp