

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.33726 of 2015

Date of Decision:-01.10.2010

Varinder Kumar.

.....Petitioner.

Versus

Manjit Singh Bedi.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Neeraj Madan, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Petitioner is an accused in a proceedings under Section 138 of Negotiable Instruments Act, 1881, in the present petition has laid challenge to the order dated 13.7.2015 passed by the learned trial Court whereby the application of the complainant under Section 311 Cr.PC for leading additional evidence has been allowed.

Learned Counsel for the petitioner submits that the application for leading additional evidence in the shape of proving postal receipt of the legal notice issued regarding non payment of the alleged debt liability prior to the filing of the complaint is being permitted after the cross examination of the complainant, therefore, the order is liable to be set aside.

After hearing learned Counsel for the petitioner, this Court finds no merit in the present petition. The stand of the complainant is that inadvertently the postal receipt of the legal notice was appended with the

file relating to case titled as Manjit Singh Vs. Gurpreet Singh and, therefore, after realising the mistake, the present application was moved. It cannot be denied that the proof of the postal receipt goes to the root of the matter. The learned trial Court in the opinion of this Court has rightly allowed the application. Even otherwise no prejudice is caused to the present petitioner since he would have full opportunity to rebut the same in his evidence.

In view of the above, present petition is hereby dismissed being devoid of merits subject to payment of Rs.5,000/- as costs to be deposited with District Legal Services Authority, Jalandhar.

**(JASWANT SINGH)
JUDGE**

October 01, 2015
Vinay