

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

**CRM-M 37145 of 2013(O&M)
Date of decision:16.02.2015**

Minakshi

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice M.M.S.Bedi

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.
Mr. M.S.Sidhu, Addl.A.G.,Haryana
Mr. Rajinder Goyal, Advocate
for respondents No. 2 to 5.

M.M.S.Bedi, J.(Oral)

Sole question to be determined in the present petition is regarding the requirement of examination of Dr. Dhinodia by allowing application under Section 311 Cr.P.C filed by the complainant. As per counsel for the petitioner, examination of Dr. Dhinodia is necessary for the just decision of the trial. The petitioner also seeks to place on record a certified copy of the divorce decree dated 14.02.2013 passed by the Court.

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

The name of Dr. Dhinodia crept up for the first time in the statement of Dr. Ksheterpal and medical history, indicating that the complainant-petitioner was given a stomach wash as a patient of suspected poison before Dr. Kheterpal had dealt with the complainant-petitioner and sent report of the stomach wash for chemical examination. As per report Ex:P-1 and P-2 negative report for poison was received. It appears that in order to falsify the negative report, the complainant-petitioner wants to summon Dr. Dhinodia. It is admitted fact that Dr.

Dhinodia had not got the stomach wash analysed from any lab. The endeavour of the petitioner appears to fill the lacuna in the prosecution case which is not permissible under Section 311 Cr.P.C. The petition for summoning Dr. Dhinodia has thus rightly been dismissed.

So far as the production of certified copy of the divorce decree dated 14.02.2013 is concerned, it will always be open to the petitioner to avail legal provision under Section 294 Cr.P.C. by moving an application for admission and denial of the said document. It will be open to the trial court to take into consideration the admission or denial of said document in the light of Section 294(3) Cr.P.C.

Disposed of.

16th February, 2015
Shivani Kaushik

[M.M.S.BEDI]
JUDGE