

CRM-M-35074-2015 (O&M)

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

CRM-M-35074-2015 (O&M)

Date of decision: October 13, 2015.

Krishan Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Vivek Khatri, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

The petitioner is a complainant in a case bearing FIR No.569 dated 17.6.2014, under Section 147, 149, 447, 427 and 506 IPC, registered at Police Station, Sadar, Hisar. The petitioner had sought production of documents i.e., a copy of the judgment and decree, a copy of the map, a copy of mutation No.6099 and a copy of the sale deed. The said application has been dismissed, inter alia, on the ground that the petitioner had not mentioned any reason as to why he wanted to produce the documents sought to be produced and that the necessary requirements of Section 311 Cr.P.C., were not fulfilled. Another reason for dismissal of the application as given by the learned Magistrate is that the prosecution agency has not examined even a single witness.

CRM-M-35074-2015 (O&M)

I have heard the learned counsel for the petitioner and considered the prayer of the petitioner in context to the scope of Section 311 Cr.P.C. The documents which are sought to be produced by the petitioner during the course of trial appear to have come into existence after the presentation of challan and after framing of charges. It will not be appropriate for this Court to determine the relevancy and admissibility of the documents which are sought to be produced on record. For production of documents, the petitioner has not sought summoning of any witness as per the provisions of Section 311 Cr.P.C. The application also appears to be premature. The petitioner may rely upon the documents during the course of trial as per the provisions of Section 294 Cr.P.C. In case the documents sought to be produced are admissible in accordance with law, it will be open to the trial Court to consider the same as evidence as per the provisions of Section 294 (3) Cr.P.C.

This petition is disposed of with liberty to the petitioner to avail the remedy available to the petitioner at appropriate time.

October 13, 2015.
rka

(M.M.S. BEDI)
JUDGE