

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

**Criminal Misc. No. M-43859 of 2014
Date of decision: 06.02.2015.**

Sweety

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest.**

Present: Mr. Arun Bansal, Advocate
for the petitioner.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 11.12.2014 passed by Sub Divisional Judicial Magistrate, Narwana, whereby the application moved by the petitioner for producing certain documents on record and examining the witnesses in the case, has been dismissed.

Briefly, the facts of the case are that FIR No.286 dated 18.12.2010 was registered under Sections 406, 498-A, 201, 323, 506/34 IPC against respondents No.2 to 5. After presentation of the challan, the trial was in progress. An application was moved by the petitioner under Section 311 Cr.P.C. to produce the original bills regarding purchase of goods and to call certain witnesses stating

therein that evidence was necessary for just decision of the case. Reply to the application was filed by raising certain objections with regard to maintainability and the application was contested on merits also. Said application was dismissed on 11.12.2014, which is subject matter of challenge in the present petition.

Learned counsel for the petitioner submits that all details of dowry articles were given to the Investigating Officer during investigation but receipts were not placed on record. Learned counsel for the petitioner further submits that the dowry articles were duly received by respondents-accused and their receipts and bills are necessary to be produced to settle the controversy in dispute. It is also the argument of learned counsel for the petitioner that these documents were handed over to the Police but they were not made part of the challan.

Heard arguments of learned counsel for the petitioner and have also perused the impugned order and other documents available on the file.

Admittedly, challan in the present case was presented on 01.02.2011 and these documents were not attached with the challan and even nothing was mentioned regarding the bills in any document attached with the challan. As per submissions made by learned counsel for the petitioner, all the documents were supplied to the Investigating Officer at the time of investigation and the petitioner was under this impression that these documents might be attached with

the challan. The prosecution evidence has been concluded as all the material witnesses have been examined. None of the witnesses has stated regarding these documents at the time of evidence. Now when the trial is at the fag end, this application has been moved just to delay the proceedings. Although, the stage of the trial is immaterial for moving application under Section 311 Cr.P.C. but the petitioner is to make out his case that these documents were not in his knowledge or could not be produced earlier for any reason. The petitioner is unable to explain the delay. Even no document has been brought to the notice of this Court that any representation was even made to any higher officer that the documents supplied to Investigating Officer were not considered. The petitioner is making out a case only on the ground that documents supplied to the Investigating Officer have not been considered whereas these documents were supplied during investigation. The petitioner is not to improve his case by placing on record certain documents, which were not part of challan or by stating that these documents were not in the knowledge of the petitioner or could not be brought on record due to any reason. Neither any details of the documents have been mentioned in the statements of the witnesses nor any reason for non-producing those documents has been mentioned in the application.

Undisputedly, the application under Section 311 Cr.P.C. can be considered at any stage of the trial if some of the fact/evidence/statement is necessary for just decision of the case but

in the present case, it only amounts to improvement of the allegations as by way of this application, certain documents have been sought to be brought on record and examination of certain witnesses has also been prayed for but without mentioning any reason thereof.

There is no merit in the contentions raised by learned counsel for the petitioner and the present petition being devoid of any merit is hereby dismissed.

06.02.2015
neetu

(DAYA CHAUDHARY)
JUDGE