

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

CRM-M-6828 of 2015
Date of decision: 25.8.2015

Shamsher Singh Verma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rakesh Gupta, Advocate for the petitioner.
Mr. Vikas Kashyap, AAG, Haryana.
Mr. A.K. Walia, Advocate for the complainant.

Rajan Gupta, J.(oral)

In the present petition, order dated 21.2.2015, passed by the court below on an application moved under section 294 Cr.P.C., has been impugned.

Learned counsel for the petitioner has emphatically submitted that the trial court ought to have allowed him to lead defence evidence and produce the compact disc, which is in his possession. According to him, said evidence is material for decision of the case.

Prayer has been opposed by learned counsel for the complainant.

It appears, FIR was registered on the complaint of Munish Verma, uncle of the prosecutrix. It was alleged that petitioner had committed rape on the prosecutrix who was 9 years old. Challan was submitted in the case in December, 2013. Petitioner claims that complainant side demanded money from him and he had recorded the version. His plea is that said evidence needs to be brought on record and the compact disc will be sent to FSL, Madhuban for opinion.

I am not convinced with the plea. Admittedly, compact disc, if any, has come into existence after police submitted its final report under section 173 Cr.P.C. Trial of the case has to continue on the basis of available evidence. The plea of the petitioner is totally frivolous.

No merits. Dismissed.

(RAJAN GUPTA)
JUDGE

25.8.2015
'Rajpal'