

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

**CRM-M-9134 of of 2015
Date of Decision: July 22, 2015**

Kamaljit Kaur ...Petitioner

Versus

Jagjit Singh @ Jaggi and others ...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. H.S. Gill. Senior Advocate with
Mr. Vivek Goyal, Advocate for
respondents No.1 to 4.

FATEH DEEP SINGH, J.

The short point involved in this petition under Section 482 Cr.P.C. is if during the recording of prosecution evidence whether a right vests in the defence to call for official records and to confront witnesses for enabling cross-examination. The genesis of this invocation goes back to an application dated 3.1.2015 moved by accused Jagjit Singh and others-present respondents praying summoning of a criminal Ahlmad of a judicial Court to bring the judicial records upon which another application of similar nature was moved on 16.1.2015 by the accused for summoning of criminal Ahlmad with records detailed therein Annexures P/2 and P/3 respectively. In response to this application the complainant has taken objections that the same was not permissible and vide orders dated 9.1.2015 and 19.1.2015 the same was allowed and which has been the subject matter of challenge before this Court in this petition.

Heard, learned counsel for the parties.

Learned counsel for the petitioner has sought to forcefully submit by seeking support from **R.K. Joshi and another vs. State of Haryana and another 2007(2) RCR (Criminal) 47** that at this juncture when the evidence of the prosecution was being examined no such summoning at the behest of the defence can be made out. However, learned counsel for the petitioner could not appreciate that the cited ratio is factually at much variance. The Magistrate under Section 202 Cr.P.C has unbridled powers to hold an enquiry for the attainment of justice and in this case as has been argued on behalf of the respondents the sole purpose for summoning these records through official witnesses was to bring on the file the said record for enabling the comprehensive cross-examination by the defence and which cannot be find fault with and further the provisions of Section 91 Cr.P.C. arms the Court with such a weaponry and the sole purpose is to hold a comprehensive adjudication and for this reliance has been placed on **Smt. Parmeshwari Devi vs. The State and another AIR 1977 SC 403.**

Thus, in the totality of these circumstances there appears to be no illegality or perversity which could necessitate exercise of inherent powers of this Court under Section 482 Cr.P.C. and there being no merit in the petition same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 22, 2015
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