

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.13 12:32
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authenticity of this document

CRR No. 450 of 2015 (O/M)
Date of decision : 11.2.2015

Sunil Arora

..... Petitioner

Versus

Smt. Archana Aggarwal

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajinder Sharma, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 13.1.2015, passed by the learned Additional Sessions Judge, Amritsar, vide which the application of revisionist under Section 91 Cr.P.C. for production of original documents, was dismissed.

The background of the case is that the present revisionist has been convicted under Section 138 of the Negotiable Instruments Act, 1881 (in short 'the Act') by the learned Judicial Magistrate 1st Class, Amritsar (learned Magistrate) and sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 10,000/-, in default thereof, to further undergo simple imprisonment for two months, vide judgment and order dated 25.3.2013 (Annexure-P-4). Aggrieved by the said judgment, the revisionist

preferred an appeal in the year 2013 itself, in which application under Section 91 Cr.P.C. has been filed, in which it is stated that there was no business transaction and goods were never supplied. The accused/revisionist wanted to further cross examine Sanjivan Aggarwal, attorney of the complainant/respondent herein and for the said purpose, certain documents are required to be produced.

I have heard learned counsel for the accused/revisionist herein and have also carefully gone through the file.

A perusal of the impugned order dated 13.1.2015, passed by the learned Additional Sessions Judge, Amritsar, shows that as many as 19 opportunities were granted to the accused/revisionist herein to lead his defence evidence. However, only one witness was examined in defence. Thereafter, the accused/revisionist was convicted by the learned Magistrate on 25.3.2013 and sentenced as aforesaid. Now, the accused/revisionist wants to further cross examine the complainant and also wants to produce some documents. Naturally, for that purpose, the accused/revisionist herein will be required to produce many witnesses to prove those documents.

I am of the view that the present revision is nothing, but a delaying tactic. The conduct of the accused/revisionist herein shows that he wants to linger on the case for indefinite period. Thus, the application for production of certain documents was rightly dismissed by the learned Additional Sessions Judge, Amritsar, vide

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order dated 13.1.2015. There is no ground to interfere with the impugned order dated 13.1.2015, passed by the learned Additional Sessions Judge, Amritsar.

Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

11.2.2015
sjks