

106

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4613 of 2015 (O&M)

Date of decision: December 01, 2015

Daljit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vipin Sharma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 16.11.2015, whereby, application moved by the petitioner for permission to lead additional evidence was dismissed by the Appellate Court.

Learned counsel for the petitioner has submitted that the petitioner had not been granted adequate opportunity to enable him to lead his evidence. The witnesses now sought to be examined by him were very essential for the just decision of the case. In fact, the cheque in question had been handed over by the petitioner to the official of the Bank at the time of advancement of loan. At that time, blank cheque had been signed by the petitioner and had been later filled by the Bank officials.

Petitioner had faced trial in a complaint filed by respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881 ('Act' for short) with regard to dishonor of cheque dated 15.11.2013 in the sum of ₹5,87,681/-. Trial Court vide judgment/order dated 09.03.2015 ordered the conviction

and sentence of the petitioner under Section 138 of the Act. Aggrieved against the judgment/order of his conviction and sentence, petitioner has preferred an appeal before the Appellate Court.

During the pendency of the appeal, petitioner moved an application for permission to lead additional evidence. By way of additional evidence, petitioner wants to examine Yuneet Kumar, Clerk, Bhajan Singh Manager and Fingerprints expert.

The case of the petitioner was that he had not been granted sufficient opportunity to lead his evidence by the trial Court. The Appellate Court while dismissing the application has noticed that in the present case, petitioner had himself closed his defence evidence. Therefore, it could not be said that the petitioner had not been granted sufficient opportunity to enable him to lead his evidence. The evidence now sought to be lead by the petitioner was already in his knowledge and for the reasons best known to the petitioner, he had not examined the witnesses now sought to be examined by him before the trial Court, during trial.

In the facts and circumstances of the present case, the learned Appellate Court had rightly dismissed the application moved by the petitioner for permission to lead additional evidence.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

December 01, 2015
mahavir