

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.256

CRM No.M-23475 of 2015

Date of Decision: February 02, 2016

Meeta Kohli

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sameer Mehendiratta, Advocate,
for the petitioner.

Mr. A.S. Sidhu, AAG, Punjab.

Mr. A.P.S. Guliani, Advocate,
for respondents No.2 & 3.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

JASPAL SINGH, J. (ORAL)

Through the instant petition under Section 482 of the Code of Criminal Procedure preferred by Meeta Kohli has sought the quashing of order dated May 8, 2015 (Annexure P-5), vide which an application moved by the petitioner under Section 311 Cr.P.C. for giving direction to the prosecution to produce the case property in the Court and for her further examination-in-chief has been declined.

It is undisputed fact that examination-in-chief of the

petitioner was partly recorded on January 8, 2014 and further examination-in-chief was deferred to April 23, 2014 for want of case property. Again when she was examined on April 23, 2014, case property was not produced on the pretext that SHO was on special duty due to elections. It is also equally true that at present case property is lying in the custody of Police Station Phase-I, S.A.S. Nagar, Mohali. It is the duty of the prosecution to produce case property in Court so that the complainant or the accused may not suffer or a prejudice is caused to either of them, on account of non-production thereof, as the same is required to be identified by the witness(s).

Instant petition is disposed of with the direction to the Senior Superintendent of Police, S.A.S. Nagar, Mohali to make it convenient for the production of the case property in the concerned Court on the date(s) fixed by the learned trial Magistrate. In case, there is any difficulty in production of the case property, the same be got identified through its photographs which shall be taken from different angles.

With these observations, the impugned order stands set aside and the trial Court is directed to recall the petitioner-Meeta Kohli for her further examination-in-chief qua the case property.

February 02, 2016
Ankur

(JASPAL SINGH)
JUDGE