

CRM No. M-34520 of 2016
DECIDED ON: SEPTEMBER 27, 2016

SUNIL KUMAR

.....PETITIONER

VERSUS

SHAM LAL

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 482 Cr.P.C., petitioner has sought the setting aside of order dated September 14, 2016 passed by learned Judicial Magistrate Ist Class, Karnal (Annexure P-5) whereby, an application under Section 311 Cr.P.C. seeking permission to adduce additional evidence by way of placing on record account statement, Civil Court order, Income Tax Returns, has been rejected.

At the very outset of arguments, it has been submitted by learned counsel for the petitioner that he only seeks relief with regard to the production of judgment/order dated April 02, 2016 (Annexure P-2) passed by Civil Court by way of additional evidence.

Undisputably, during the cross-examination of complainant, it has been emerged that a civil suit was pending between the complainant-petitioner and father of accused-respondent, which has finally been disposed of by a civil court vide order dated April 22, 2016 on the basis of compromise. Petitioner

intends to place on record the afore-said judgment/order dated April 22, 2016 by way of an additional evidence, which is otherwise necessary for the proper and effective adjudication of the matter in controversy. The said judgment is also otherwise *per se* admissible and no further evidence is required to be adduced to prove the same.

Taking into consideration the afore-said aspects of the case, instant petition is partly allowed whereby, an order dated September 14, 2016 is set aside. Consequently, application under Section 311 Cr.P.C. is allowed with regard to the limited purpose for production of copy of judgment/order dated April 22, 2016 (Annexure P-2) passed by Civil Court.

While parting with this order, it is hereby, clarified that notice of the petition has not been issued to the respondent, as it likely to burden the respondent with some peculiar loss and wastage of time and with a view that in case notice is issued to respondent, he would have attended this Court by engaging counsel. However, he shall be at liberty to approach this Court, if he so feels aggrieved by this order.

SEPTEMBER 27, 2016
sham

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*