

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.122

CRM NO.M-5220 of 2016

DECIDED ON: FEBRUARY 12 2016

PIARA SINGH

....PETITIONER

VERSUS

RANJIT SINGH & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers 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?

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

Instant petition preferred under Section 482 of Code of Criminal Procedure seeking quashing of impugned order dated January 02, 2016 (Annexure P-1), passed by learned JMIC, Nabha, in complaint No. 23BT of 03.02.2012 titled as “Piara Singh Versus Ranjit Singh & others”, vide which an application under Section 311 Cr.P.C. for tendering judgments and decrees dated September 18, 2014, passed in case “Ranjit Singh versus Kiranjit Kaur etc. as well as another judgment of the same date passed in suit titled “Ranjit Singh versus Jarnail Singh etc.” was declined.

Heard.

A complaint has been preferred by Piara Singh under Sections 447, 427, 341, 506, 120-B, 148 & 149 of IPC, Police Station Sadar Nabha. In which, the respondents were summoned to face trial. Accordingly, the

complaint was listed for pre-charge evidence. The complainant adduced pre-charge evidence and closed the same on October 23, 2015. But at the time, due to some inadvertence or mistake, both judgments and decrees passed by Civil Court dated September 18, 2014 could not be produced which necessitated the filing of the application under Section 311 of the Code before the trial Court. The said application has been declined by learned Magistrate simply on the ground that complainant has failed to disclose as to why she could not tender aforesaid judgments and decrees earlier in her evidence. But this ground taken by learned Magistrate to dismiss the application is not a sound-one. The Court is obliged to impart justice between the parties. The judgments and decrees sought to be produced by way of additional evidence by invoking provision under Section 311 of the Code are essential for proper and adjudication of the matter in controversy between the parties.

Moreover, the complaint is still fixed for arguments on charge. Accordingly, impugned order dated January 12, 2016 is set aside by way of acceptance of instant petition and the application Annexure P-3 stands allowed.

While imparting this order, it is made clear that if complainants are aggrieved against the order passed by this Court, they may approach for its cancellation.

FEBRUARY 12, 2016
Ankur

(JASPAL SINGH)
JUDGE