

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.101 OF 2016
DATE OF DECISION : 13th JANUARY, 2015

Ashok @ Chotu

.... **Petitioner(s)**

Versus

State of Haryana

.... **Respondent(s)**

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

* * * *

Present : Mr. Mohit Nehra, Advocate for the petitioner.

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ANITA CHAUDHRY, J. (ORAL)

This revision is directed against order dated 16.12.2015 passed by the Additional Sessions Judge, Bhiwani, who allowed the application under Section 311 Cr.P.C. moved by the prosecution for tendering photocopy of the *Adhar Card* of the prosecutrix.

The petitioner is facing trial in FIR No.216 dated 05.06.2015 registered under Sections 363, 366-A and 506 IPC at Police Station Tosham, District Bhiwani.

The prosecution has led its evidence and statement under Section 313 Cr.P.C. has been recorded and the case was adjourned to 16.12.2015 for defence evidence when an application was moved by the Public Prosecutor for producing the photocopy of the *Adhar Card* to show the age of the prosecutrix. That application was allowed. Later it appears that the Additional Sessions Judge has summoned the prosecutrix for her statement. The court on its own

could not have ordered examination of the prosecutrix all over again. That prayer had not been made by the prosecution. The prayer made by the prosecution was only for production of the photocopy of *Adhar Card* which was available in the police file.

I have gone through the record. The prayer made by the prosecution was only for placing the photocopy of the *Adhar Card* on record. The Additional Sessions Judge travelled beyond the prayer and has summoned the prosecutrix which could not have been done. Therefore, the petition is disposed of with the direction that the prosecution would be allowed only to tender the photocopy of the *Adhar Card* as a limited prayer was made in the application Annexure P-4 and was allowed.

The evidentiary value of the photocopy shall be determined at final stage of the case.

The petition is disposed of accordingly.

13th JANUARY, 2015
'raj'

(ANITA CHAUDHRY)
JUDGE