

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.1020 of 2016 (O&M)

Date of decision: 16.3.2016

Aloka Chabra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bipin Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Mr. K.S. Nalwa, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

Notice of motion.

Appearance has been put by Dr. Sushil Gautam, DAG,
Haryana and Mr. K.S. Nalwa, Advocate on behalf of respondent No.2.

Present revision petition is directed against the order passed
by Additional Sessions Judge, Gurgaon whereby application under
section 311 Cr.P.C. moved by the prosecution has been allowed and
certain documents have been allowed to be taken on record as exhibits.
The order has been challenged by the accused/petitioner.

Mr. Ghai, learned senior counsel submits that earlier a
similar application moved by the prosecution was accepted and court file
was summoned regarding the divorce proceedings between petitioner and
respondent No.2. Present application was wholly unnecessary. It was

moved at a stage when trial was nearing its culmination. Same has been erroneously allowed by the court below. According to him, the documents now taken on record are not *per se* admissible in evidence.

Prayer has been opposed by the State counsel. According to him, in view of powers conferred in court under section 311 Cr.P.C., it can take any evidence on record which it feels necessary for just decision of the case. Counsel appearing for complainant has made submissions on similar lines.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, FIR was lodged subsequent to death of mother-in-law of the petitioner. She jumped from the second floor of the building and died. FIR was lodged by respondent No.2 alleging that the deceased was harassed by the petitioner leading to her death. The investigation ensued. After its conclusion challan was put up and trial commenced. Prosecution closed its evidence on 22.01.2016. Instant application was moved for placing on record certified copies of certain documents. Same has been allowed by the trial court observing that the documents are necessary for just decision of the case. Admittedly, trial is nearing its culmination now. A perusal of the order shows that it has been observed therein that relevance of the evidence shall be considered at the time of final decision of the case.

Under the circumstances, I find no ground to interfere in inherent jurisdiction of this court. It is well settled that powers under section 311 Cr.P.C. are wide and can be exercised by the court at any

stage to arrive at a just decision. It is, however, clarified that the trial court would consider the plea of the petitioner about the admissibility of the evidence, now brought on record by way of application under section 311 Cr.P.C.

Disposed of.

(RAJAN GUPTA)
JUDGE

March 16, 2016
'Rajpal'