

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

CRR No. 3285 of 2015

Date of decision : 02.03.2016

Virender Singh @ Niku

....Petitioner

V/s

The State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Sushil Gautam, DAG Haryana.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 13.08.2015 passed by Additional Sessions Judge, Ambala whereby his application under section 391 Cr.P.C. has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, document, Annexure P-3 is necessary for just decision of the case. The court below has gravely erred in rejecting the same. Thus, impugned order deserves to be set-aside.

Plea has been opposed by learned State counsel.

Brief factual background of the case is that a complaint was lodged by Ashok Kumar to the effect that he was running a Auto spare parts shop under the name and style of Pradhan Auto Care in Shop No. 10, Palika Bazar Market, Model Town, Ambala city for the last ten years. He was also the President of Auto Rickshaw Union Regd. On 01.01.2007 at about 8.30 A.M. one of his relative

Ashwani Kumar opened his shop. At that time petitioner alongwith other accused forcibly entered into his shop and started throwing the articles lying in the shop. He also took away sale proceeds of his shop, accounts books alongwith various documents. He extended threats to the complainant. On this statement, FIR was registered. Investigation ensued and challan was presented against the accused before the competent court. Thereafter, trial proceeded. On the basis of material and evidence adduced before the Additional Chief Judicial Magistrate, Ambala, it convicted the petitioner under sections 147, 323, 380, 448 & 452 read with section 149 IPC and sentenced accordingly. Aggrieved, petitioner preferred appeal. At the appellate stage, petitioner moved the instant application under section 391 Cr.P.C. for bringing on record a copy of the judgment and document, Annexure P-3 obtained under the RTI. Appellate court partly accepted the plea of the petitioner with regard to placing on record copy of the judgment. It, however, dismissed the prayer for placing on record document, Annexure P-3 on the ground that same was in the knowledge of the petitioner from the beginning and could have been produced before court below. I find no infirmity with the order passed. No case for interference in inherent jurisdiction of this court is made out. Dismissed.

March 02, 2016

Ajay

(RAJAN GUPTA)
JUDGE