

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

CRR No.2847 of 2016
Date of decision: 24.10.2016

Rohtash & anr.

.... Petitioners

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Ajay Tewari, J.(Oral)

This petition has been filed against the order dated 04.08.2016 passed by the Appellate Court dismissing the application under Section 391 Cr.P.C. filed by the petitioners/accused persons to place on record the copy of order dated 10.10.2013 passed by the Court which as per them has been handed over to them by the counsel but could not be placed on record.

Learned counsel for the petitioners has argued that while rejecting the application, the trial Court has applied the standards, which are applied to the prosecution whereas the standards to be applied to the accused are totally different. He has referred the para 5 of the order where this argument has been borne out.

Learned State counsel has fairly accepted that the judgment and the view of the Appellate Court is on the basis that Section 391 could not be used to fill up the lacuna in the evidence of the prosecution while this is a case where the accused persons have moved the application.

In my opinion, no prejudice would be caused to the prosecution

if impugned order is set aside and the appellate Court is directed to permit the petitioners/accused persons to produce the documents they want and consider the same after giving opportunity to the respondents to produce any evidence which they may want to lead.

Accordingly, the present petition is allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 24, 2016
sonia

(AJAY TEWARI)
JUDGE

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No