

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10248-2017
Date of decision-24.03.2017

Roop Polymers Ltd.
Vs.
State of Haryana and others

...Petitioner
...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manish Soni, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code has been filed for quashing of the order dated 04.03.2017 (Annexure P-5) passed by learned Judicial Magistrate First Class, Gurgaon vide which application under Section 311 Cr.P.C. filed by the petitioner for tendering certified copy of judgment and decree dated 31.01.2015 (Annexure P-3) for recovery filed by the petitioner against the accused persons and for re-calling the bank officials to produce the certificate under Section 65-B of Indian Evidence Act, has been dismissed.

By moving an application (Annexure P-4), the petitioner wants to recall the bank officials to produce certificate under Section 65-B of Indian Evidence Act. Learned counsel for the petitioner contends that re-calling/ re-examination of the bank officials is essential for the just decision of the case. Learned counsel further placed reliance on “Rajendra Prasad Vs. The Narcotic Cell through its office-in-charge, Delhi, 1999 (3) R.C.R.(Criminal) 440”.

I have heard learned counsel for the petitioner and perused the

case file.

It is evident from the record that the petitioner has availed 80 effective opportunities to conclude the evidence. FIR in the present case was registered in the year 2004. From the perusal of impugned order dated 04.03.2017, it is evident that prosecution evidence was concluded on 24.08.2016 and case was fixed for arguments. In the interregnum period, six applications under Section 311 of Cr.P.C. had been moved by the petitioner and were allowed in the interest of justice. The trial is at the fag end and the matter stands now fixed for arguments. There is no explanation as to why the needful was not done earlier. Learned Court below has passed a reasoned order while dismissing the application of the petitioner under Section 311 Cr.P.C.

This Court feels that no cause of action has arisen in favour of the petitioner to invoke the inherent jurisdiction of this Court. Consequently, the present petition is dismissed.

(JITENDRA CHAUHAN)
JUDGE

March 24, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No