

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

128

CRM-M-16437 of 2017

Date of Decision: May 11<sup>th</sup>, 2017

Joginder Pal Kaur

...Petitioner

Versus

State of U.T. and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Shubhjot Singh Chadha, Advocate  
for the petitioner.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court challenging the order dated 03.04.2017 passed by the Judicial Magistrate Ist Class, Chandigarh, whereby an application under Section 311 Cr.P.C. for additional evidence filed by the petitioner-complainant has been declined.

2. It is the contention of learned counsel for the petitioner that during the examination-in-chief, the petitioner had specifically stated that she had gone into the house of the neighbour. Now she wants to examine one neighbour namely Mr. R.C. Sidhu and Mr. Manoj Kumar, who is an electrician and was working in the house of the complainant at the time of the incident. His submission is that learned trial Court has proceeded to dismiss the application merely on the ground that the petitioner has failed to name these persons in the examination-in-chief that they were present at the spot or that she had gone into the house of her neighbour Mr. R.C. Sidhu. This, the counsel submits, has caused prejudice to the case of the petitioner. He, thus, contends that the impugned order cannot sustain.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order as also the documents placed on record.

4. No doubt, the petitioner in her statement before the trial Court

as PW-1 had stated that she at the time of the incident had gone into the house of the neighbour but nothing has been mentioned with regard to which neighbour she had entered the house nor has any name been mentioned of such a neighbour.

5. That apart, it has not come in her statement that at the time when the incident had taken place, electrician was working in her house muchless mentioning the name of such a person.

6. Both these go a long way to justify the order which has been passed by the trial Court in not accepting the application moved by the petitioner under Section 311 Criminal Procedure Code. The reasons which have been assigned by the trial Court are fully justified and are based upon the facts and circumstances of the case which do not call for any interference by this Court.

7. The present petition, therefore, stands dismissed.

**May 11<sup>th</sup>, 2017**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No