

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

CRM-M No. -17350 of 2017 (O&M)

Date of Decision: May 16, 2017

Gursewak Singh

.....PETITIONER (s).

VERSUS

Jagjit Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Aggarwal, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

The application filed by the petitioner to place on record certified copy of writing dated 29.09.2008 was dismissed by the trial Court with the observation as follows:

I find no merits in the application as section 311 Criminal Procedure Code does not contemplates the tendering of a document nor does the said provision empowers the criminal Court to allow a party to place on record a particular document. Section 311 Criminal Procedure Code empowers the Court to allow a party to examine a witness, which is necessary for just decision of the case. Moreover, the complainant has not disclosed that why the said document was not placed and produced on the file when the complainant was presented before the Court. As such, the application under consideration is dismissed, without prejudice to the merits of the case.

The trial Court has rightly observed that Section 311 of Criminal

Procedure Code (for short Cr.P.C.) empowers the Court to allow a party to

examine the witness which is necessary for just decision of the case.

Petitioner had not moved any application to examine any witness to prove the document dated 29.09.2008 vide application, copy of which has been placed on file as Annexure P-2. As such without issuing notice to the respondents, this petition is disposed of with liberty to the petitioner to move appropriate application under Section 311 Cr.P.C if so, required which on filing, shall be decided by the trial Court in accordance with law.

May 16, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No