

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

Criminal Misc. No.M- 2186 of 2015(O&M)

Date of Decision: October 31 , 2017.

Rajinder Yadav

..... PETITIONER (s)

Versus

Union Territory, Chandigarh

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Gupta, Advocate
for the petitioner.

Ms. Ashima Mor, APP, U.T.

LISA GILL, J.

The petitioner seeks quashing/setting aside of order dated 11.12.2014 passed by the learned Additional Sessions Judge-cum-Judge, Special Court, Chandigarh in a case arising out of FIR No.94 dated 25.03.2014 under Sections 498A/304B/34 IPC registered at Police Station City Industrial Area, Chandigarh.

The petitioner is an accused in the abovesaid FIR. The learned trial court vide impugned order dismissed an application filed by the petitioner under Section 91 Cr.P.C. for production of certain documents, photographs etc. while observing that the petitioner is at liberty to place on record the said documents in defence.

Learned counsel for the petitioner vehemently argues that the

occurrence in this case relates to 23.06.2012 however, the police did not lodge an FIR immediately. Statements of various persons were recorded on 23.06.2012 by SI Bashir, who was the Investigating Officer. No foul play was detected by the Investigating Agency. FIR was not registered and the matter was closed. Thereafter, the complainant moved various complaints against the police authorities for not taking proper action against the accused. A complaint was also filed by the complainant before the National Human Rights Commission, New Delhi. The said complaint was opposed by the police while filing a detailed reply stating that no offence was made out in this case. Certain photographs were also taken at the relevant time. Subsequently, the abovementioned FIR No.94 was registered on 25.03.2014 in respect to the incident, which took place on 23.06.2012. However, the statements recorded at earlier occasion as well as photographs and the reply filed by the police before the National Human Rights Commission, New Delhi were not attached with the final report submitted under Section 173 Cr.P.C. The petitioner thus filed an application under Section 91 Cr.P.C. for production of the said documents. The said application was however dismissed vide impugned order dated 11.12.2014. Aggrieved therefrom, the present petition has been filed.

Learned counsel for the petitioner fairly states that the petitioner in his defence has produced the said documents etc., the production of which he sought under Section 91 Cr.P.C. The matter before the learned trial court has not been concluded as passing of the final order by the learned trial court was stayed by this Court on 28.05.2015.

At this stage, learned counsel for the petitioner submits that in view

of the petitioner having produced the said documents, photographs etc. in his defence, he does not press this petition. However, the learned trial court be directed to consider the said documents while passing the final order.

Needless to say that evidence led by the accused in defence shall necessarily be considered in accordance with law by the learned trial court while passing the final order and no direction need to be passed in this respect.

In view of the facts and circumstances as above as well as the stand taken by learned counsel for the petitioner, this petition is dismissed as not pressed.

October 31 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No