

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

**CRM-M-27249-2013 (O&M)
Date of Decision: May 25, 2017**

Nachhatar Kaur

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Sunil Chadha, Sr. Advocate with
Mr. Sharad Mehra, Advocate,
for the petitioner.

Mr.Jashanpreet Singh, A.A.G. Punjab.

Ms.Amanpreet Kaur, Advocate, for
Mr. H.N.S.Gill, Advocate,
for respondents No.2 and 3.

SURINDER GUPTA, J.(Oral)

Heard.

The petitioner filed two applications under Section 311 Cr.P.C. before the learned trial court both dated 23.3.2012. In the first application, she sought direction to Mohinder Singh accused to give his specimen hand writing to compare the same with the writing, "RTI Chanan Kaur" mentioned on the Will of Chanan Kaur.

In the second application, the relief claimed is incorporated in para 6 and 7 which read as follows : -

"6. That the complainant intends to prove the handwriting of Mohinder Singh from the letters as well as on the forged Will and further the applicant is moving separate application for direction to the accused

Mohinder Singh to give handwriting in the court regarding word “RTI Chanan Kaur” so that the truth may come out before this Hon'ble Court. Both the witnesses are very essential for the just decision of the case and the prosecution is still leading its evidence.

7. That the applicant intends to examine handwriting expert namely Sh. Kranti K. Sharma in order to compare the handwriting with the forged Will, letters and the handwriting to be given by Mohinder Singh in the court, who after examining the will prepare the report and will be produced in the court.”

Learned counsel for the petitioner while fairly conceding that direction to the accused to give incriminating evidence against him cannot be issued, has confined his submission only for production of two letters dated 27.6.1973 and 12.10.1984 allegedly written by Mohinder Singh and thereafter, to get the same compared with the handwriting on the Will.

It is evident that in both the applications, no such relief has been claimed.

As the relief sought in both the applications cannot be allowed or even pressed, this petition is disposed of with liberty to the petitioner to move application for production of the letters dated 27.6.1973 and 12.10.1984 and to seek additional evidence under Section 311 Cr.P.C. to prove these letters or to lead other consequent evidence. On filing of such application, the same will be decided by the learned trial court on merits.

(SURINDER GUPTA)
JUDGE

May 25, 2017
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>