

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

**CRM No.M-42416 of 2017 (O&M)
Date of Decision: November 09, 2017**

Ved Ram

...Petitioner

VERSUS

Mukesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raje Ram Kaushik, Advocates
for the petitioners.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Mukesh Kumar and other respondents for quashing the impugned order dated 23.02.2015 passed by learned Addl. Chief Judicial Magistrate, Rohtak, vide which the application filed by the petitioner-complainant under Section 311 Cr.P.C. was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the pendency of the trial before learned ACJM, Rohtak, the complainant Ved Ram filed an application under Section 311 Cr.P.C. for his re-examination because on the previous date, when his statement was recorded, few essential documents could not be tendered and now, he wants to make the statement for proving

those documents.

Learned ACJM, Rohtak, vide impugned order dated 23.02.2015, after going through the record and after hearing the parties, dismissed by the application.

The perusal of the record shows that application given by present petitioner for leading additional evidence under Section 311 Cr.P.C. and for his re-examination is a vague application. The complainant nowhere stated the nature of the documents which he wants to prove through his re-examination. As no document has been mentioned in the application, therefore, this Court cannot determine whether that evidence is essential for the just decision of the case or not. Learned Magistrate also discussed that after recording of examination-in-chief of the complainant, the case was adjourned for numerous dates for conducting his cross-examination and his cross-examination was concluded by giving so many opportunities and if any such document was left to be proved during the examination-in-chief, then he could point out that document at that time.

In view of the above discussion, I find that as the application is vague, it cannot be allowed and no ground is made out for allowing the application for leading additional evidence. The perusal of the impugned order dated 23.02.2015 passed by learned ACJM, Rohtak, shows that it is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

November 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No