

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

**Crl. Revn. No. 2442 of 2016
Date of decision : 28.02.2017**

Birender Singh

...Petitioner

versus

State of Haryana and anr.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. D.R. Singla, DAG, Haryana

Mr. S.K. Birla, Advocate
for respondent No. 2

RITU BAHRI , J. (Oral)

The present petition is against order dated 07.06.2016 passed by learned Judl. Magistrate 1st Class, Mohindergarh whereby the application filed by the petitioner under Section 311 Cr.P.C for summoning complainant's husband Krishan Kumar and taking sample signature and hand writing for comparing from expert, was dismissed.

Learned State counsel at the very outset submits that the trial is at the fag end.

A bare perusal of order dated 07.06.2016 shows that the accused and husband of the complainant were ferrying a bolero vehicle

in partnership against which Rs.2,50,000/- payment was pending outstanding against Krishan Kumar, who was making entry of fuel consumption and fare etc in the account book maintained by the accused. The Court below while dismissing the application has rightly observed that applicant/accused has already moved an application under Section 315 Cr.P.C seeking permission to get himself examined as defense evidence which clearly provided him an opportunity to lead the best available cogent and reliable evidence, as the impugned account book has already been maintained by him.

No ground is made out to interfere in order dated 07.06.2016, as the trial is already at the fag end and the trial Court has rightly dismissed by the application, appreciating the evidence on record.

Dismissed.

28.02.2017

G Arora

**(RITU BAHRI)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
No**