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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 4733 of 2016 (O&M)
Date of Decision: 10.10.2017

Dineshwar Singh

..... Petitioner

Versus

Jeon Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. A.S. Narang, Advocate,
for the petitioner.

Mr. V.K. Sandhir, Advocate,
for respondents No. 1 and 2.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Heard both sides.

The background and controversy involved in this revisional petition have already been narrated in detail in the earlier order passed on 12.09.2017. The same needs no repetition today. It may be observed that on that date, Ld. Counsel for the respondents had simply sought an opportunity to place any counter law to the proposition that there is no impediment in admitting “public documents” into evidence, even at a later stage, in view of the decision of the Supreme Court in “**Rambhau Vs. State of**

Maharashtra”, 2001 (2) R.C.R. (Criminal) 721.

The respondents' side has been unable to place any counter law in this regard.

Admittedly, the documents entitled to be led into evidence by way of the application under Section 391 of the Code of Criminal Procedure were the Death Certificate of one Rajbans Kaur as well as certified copy of Mutation No. 1897 maintained in the Revenue Department, both of which are undisputedly public documents.

In the circumstances, this Court finds merit in the present petition and holds that the Ld. Appellate Court was in error in rejecting the application under Section 391 of the Code of Criminal Procedure, when only public documents were sought to be led into evidence, and the statute expressly provides for leading additional evidence, even at an appellate stage.

The present revisional petition is, therefore, allowed, after setting aside the impugned order, dated 18.07.2016, passed by the Ld. Additional Sessions Judge, Amritsar, in Criminal Appeal No. 546/07 of 2014.

The prosecution side shall, therefore, be at liberty to lead into evidence only the aforesaid two documents, subject to just exceptions, but shall not be granted any opportunity to lead any additional oral evidence from its sides.

10.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No