

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

**CRR No.2143 of 2017 (O&M)
Date of Decision: July 13, 2017**

Rati Ram

...Petitioner

VERSUS

Indusind Bank Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjiv Sheoran, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Rati Ram against respondent Indusind Bank Ltd., challenging the impugned order dated 16.05.2017 passed by learned Addl. Sessions Judge, Rohtak, vide which the application filed by the petitioner under Section 391 Cr.P.C. for leading additional evidence was partly allowed.

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 criminal appeal, an application has been filed by the accused-petitioner under Section 391 Cr.P.C. for leading additional evidence by the Court of Session. It is stated in the application that appellant be allowed to lead evidence to prove the age of different inks used on the cheque in question and the same be got done through Director, FSL, Madhuban and in addition, affidavit dated 22.07.2013 be got produced on the file to prove forgery and

respondent bank be directed to produce record pertaining to the account of

the accused and record pertaining to cheque book No.473301 to 473304.

Learned Addl. Sessions Judge, Rohtak, vide order dated 16.05.2017, allowed the application partly by giving direction to the respondent to produce the original affidavit dated 22.07.2013 on the next date. The perusal of the impugned order shows that order has been passed as per law and no illegality has been committed by learned Addl. Sessions Judge, Rohtak, while passing the impugned order.

Qua, difference of inks, it can be seen with the naked eye. The petitioner can request the Court at the time of arguments to look the difference of ink, which is clearly visible. There is no necessity to send the cheque to the FSL for this purpose. Otherwise also, in my view, time/age of the ink cannot be determined. So far, other evidence regarding account of the accused etc. is concerned, it was in the knowledge of the accused when he was producing the defence evidence. Learned Addl. Sessions Judge, Rohtak, has discussed that all these facts have been duly put to PW-1 Sukhram Pal in the cross-examination. So, if the applicant-petitioner is grossly negligent to produce the evidence which was in his knowledge and he could have produce it easily, then he cannot be allowed to fill up the lacuna in the appeal. No reasons have been given by the petitioner as to why he has not produced his evidence before the trial Court.

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

July 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No