

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR No.6099 of 2017 (O&M)

Date of decision: 11.01.2018

Jagjit Singh

..... Petitioner

Versus

Malkiat Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Ashok Paul Batra, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the order dismissing the application for additional evidence so as to produce on record certified copy of the proceedings under Section 174 Cr.P.C. and the statement of Amrit Pal Kaur. Learned trial Court dismissed the application after noticing that both these documents were in existence when the trial was pending and in the knowledge of the defendant-petitioner. The Court has further noticed that the defendant has availed more than sufficient opportunities to lead his entire evidence.

I have heard learned counsel for the parties and with their able assistance gone through the documents filed in the paper book.

Learned counsel for the petitioner does not dispute that these documents were available when the defendant was leading his evidence. It is further not been disputed that these documents were in the knowledge of

the defendant. However, learned counsel for the petitioner has submitted that in the interest of justice, such documents can be permitted as they are per-se admissible. In the considered opinion of this Court, there is no substance in the argument. The additional evidence cannot be allowed just on the asking of the parties. The parties have to make out a case for leading additional evidence. Legislature in its wisdom has already deleted Order 18 Rule 17-A, CPC.

Taking into consideration these facts, there is no ground to interfere in the order passed by the trial Court.

Revision petition is dismissed.

11.01.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No