

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

CRM-M No.20583 of 2018

Date of decision: 15.05.2018

Rajinder Pal Sharma

....Petitioner

Versus

Ashok Sharma and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 16.04.2018 (Annexure P6) passed by the trial Court, vide which the application moved by the petitioner under Section 311 Cr.P.C. for producing certain documents i.e. the DDR No.22 lodged at Police Station Sector 15 on 29.07.2009, the order of divorce passed by the Family Court of Western Australia as well as statement of accused No.1 which was recorded in an earlier proceedings under Section 498-A IPC initiated against the complainant was dismissed.

Counsel for the petitioner has submitted that the petitioner do not want to lead any oral evidence and just want to tender all the aforesaid documents as he has relied upon the same in his criminal complaint.

After hearing counsel for the petitioner, I find no merit in the present petition. The documents sought to be tendered in evidence are not per se admissible document. Moreover, the petitioner, while leading his evidence i.e. at the stage of preliminary evidence and post-charge evidence, never produced the document and, therefore, without

affording opportunity of cross-examination to the accused persons of the witnesses who can prove the aforesaid documents, the same cannot be allowed. The trial Court after hearing the counsel for the parties has recorded a well-reasoned order holding that since the complainant has failed to rely upon these documents while leading his evidence, though these documents were very available and in the knowledge of the complainant at the time of filing of complaint, it amount to fill up the lacuna at the stage when the entire evidence is led in post-charge stage and has rightly dismissed the application under Section 311 Cr.P.C. Hence, no ground for setting-aside the order dated 16.04.2018 (Annexure P6) passed by the trial Court is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.05.2018
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No