

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28038-2017

Date of decision: 26.10.2018

Murlidhar Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 19.07.2017 passed by the trial Court, vide which the application (Annexure P-1) filed by the petitioner under Section 311 Cr.P.C., for granting one opportunity to exhibit the certain documents, was dismissed.

Learned counsel for the petitioner submits that the petitioner is the complainant in FIR No.77 dated 27.04.2012 under Section 420, 447, 467, 471, 506, 34 IPC, registered at Police Station Uklana, District Hisar and after closing the evidence by the prosecution, the case was fixed for defence evidence. Thereafter, the petitioner moved an application under Section 311 Cr.P.C. praying for exhibition of the documents i.e. 03 sale deeds, mutation, jamabandi, judgment and decree, compromise arrived at between the parties and MAP dated 17.05.1990. It is further submitted that even on an earlier occasion, the application was moved under Section 311 Cr.P.C., which was allowed by the

trial Court and the aforesaid documents were taken on record, however, the same could not be exhibited.

Learned State counsel has submitted that the case is now fixed for final arguments as even the statement under Section 313 Cr.P.C. has been recorded and the defence evidence is also closed.

After hearing learned counsel for the parties, I find no ground to interfere with the impugned order passed by the trial Court.

It is not disputed that with regard to the same relief, petitioner has earlier moved an application, which was allowed, however, the evidence, so required by the petitioner, was not produced on record, in accordance with law, as it is own case of the petitioner that copies of the aforesaid documents are placed on record.

It is also worth noticing that the documents like the sale deed, are not *per se* admissible and the same has to be proved on record by producing one of the attesting witness, therefore, allowing the application at this stage will amount to reopening of the entire evidence.

Even otherwise, FIR pertains to the year 2012 and case of the petitioner does not fall within the parameters, under which an application under Section 311 Cr.P.C. can be allowed and the trial is at the fag end, therefore, finding no merit in the present petition, same is hereby dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

26.10.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No