

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-496-2015 (O&M)
Date of decision: 14.09.2018

Tara Chand

.....Petitioner

versus

Sumit and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Puneet Jain, Advocate for
Mr.Rakesh Gupta, Advocate for the petitioner
Mr.R.K.Makkad, Sr.DAG , Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 23.12.2014 passed by learned Judicial Magistrate 1st Class, Kaithal, vide which, an application filed by the prosecution under Section 311 Cr.P.C. was dismissed. The prosecution wants to produce copy of the jamabandi, mutation, khasra girdwari and judgment dated 24.7.2014 in additional evidence. The offences are under Sections 323, 324, 326, 506 read with Section 34 IPC. It has come out from the interim orders produced in the petition that on that date, last witness was examined and no other evidence was to be led. It was then that this application was filed. Charges in this case were framed on 12.5.2010 and the application was filed on 9.12.2014 when the prosecution had led the entire evidence. The prosecution kept sleeping for four years. Therefore, they cannot be allowed to put the clock back to fill up the lacuna. All the documents which were relied upon by the prosecution

were required to be supplied to the accused at the time of presentation of challan. So far as copy of the judgment dated 24.7.2014 is concerned, trial Court has observed that it was decided on the basis of the evidence adduced before it and present case will be decided on the basis of the evidence which has led before it. There is no illegality or infirmity in the impugned order of the trial Court.

Resultantly, the present petition stands dismissed.

14.09.2018*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No