

CRM-M-49805 of 2018

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

CRM-M-49805 of 2018
Date of Decision: 14.11.2018

Bhupinder Kaur

....Petitioner

Versus

Tejinder Singh Aurora

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Umesh Aggarwal, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. challenge has been laid to order dated 11.10.2018 (Annexure P-4) of the revisional Court, whereby order of the trial Court dated 18.05.2018 dismissing application of the petitioner under Section 311 Cr.P.C. for leading additional evidence, was upheld.

Briefly, petitioner is facing trial in a complaint case filed against her by respondent under Section 138 of the Negotiable Instruments Act titled as "Tejinder Singh Aurora v. Bhupinder Kaur".

Even after completion of trial, application filed by the petitioner to examine some handwriting and fingerprint expert was allowed vide order dated 05.02.2018. But when the petitioner failed to examine him, despite availing numerous opportunities, her evidence in defence was closed vide order dated 12.04.2018.

Thereafter, petitioner moved another application for recalling the aforesaid order closing her defence evidence, which has been

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dismissed vide impugned order and has been upheld by the revisional Court.

Heard.

Since, despite availing sufficient opportunities petitioner did not conclude her evidence in defence, therefore, both the Courts below had rightly dismissed her application under Section 311 Cr.P.C.

Apprehension of the petitioner in her application under Section 311 Cr.P.C. that handwriting and fingerprint expert so to be examined by her, may not support her case is mis-conceived, inasmuch as from a professional, such type of mis-conduct is not expected, unless some circumstance is proved or brought on record, about his past mis-conduct or integrity.

Above plea seems to have been taken by the petitioner only to win sympathy of this Court, without showing any justification for not examining handwriting and fingerprint expert, even after allowing her application in this respect.

After going through the finding of both the Courts below in the impugned orders, being based on appreciation of overall facts and circumstances, this Court is not inclined to differ with the same.

Dismissed.

November 14, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No