

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

**CRM-43965-2018 in/and
CRM-M-50688-2018 (O&M)
Date of Decision:- 17.12.2018**

Pawan Kumar and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Verma, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

CRM-43965-2018

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 24.1.2019 and is taken on Board today.

CRM-M-50688-2018 (O&M)

By way of filing this petition, the petitioners assail order dated 10.10.2018 passed by learned Judicial Magistrate 1st Class, Shahabad whereby an application filed by prosecution seeking permission to lead secondary evidence has been allowed and the prosecution has been granted liberty to prove carbon copy of MLR by examining a Senior Medical Officer from CHC Shahabad. It was specific case of the prosecution that Dr.

Amandeep Singh who had issued the MLR had left the job and was no longer posted at CHC Shahabad and that the said Doctor had taken away the original record pertaining to the MLR in question. It was on account of the said eventuality that the prosecution sought to prove the carbon copy of the MLR. Since there is a specific provision in Section 62 of Indian Evidence Act regarding admissibility of such like document which is prepared in the same process, as would be evident from perusal of explanation II Section 62 of Indian Evidence Act, this Court does not find any infirmity in the impugned order dated 10.10.2018 and the same is upheld.

It is however, clarified that the order dated 10.10.2018 shall not be interpreted to mean that the carbon copies of MLR in question shall be deemed to have been *ipso facto* exhibited. The prosecution in any case would be required to prove the said document by establishing the signatures of Dr. Amandeep Singh in accordance with the provisions of law.

The petition stands disposed of with the aforesaid directions.

December 17, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No