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

**CRM-M No.9306 of 2017
Date of Decision: 27.04.2018**

CHARANJIT KAUR

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhimanyu Kalsy Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has filed this petition for quashing of order dated 19.10.2016 passed by the Addl. Sessions Judge, Ludhiana and order dated 07.07.2012 passed by the trial Court on the application under Section 311 Cr.P.C.

[2]. Complainant/petitioner filed an application under Section 311 Cr.P.C., for summoning of record keeper of judicial record room along with record of in civil suit titled '*Samittar Singh & others vs. Sher Singh and others*' which was decided by the Civil Judge (Jr. Divn.) Ludhiana on 18.10.1995.

[3]. The said application was filed in order to prove plaint, *vakalatnama* and statements of Gurmeet Singh, Harbhajan

Singh etc., compromise Ex.C-1 to C-3 effected in the said suit. The aforesaid record was claimed to be material for just decision of the case.

[4]. Evidently, the alleged forgery has taken place after the decision of the civil suit. The application filed by the petitioner was earlier dismissed by the trial Court on 07.07.2012. The second application was moved at a later stage and the documents in question were never handed over to the Investigating Officer at the relevant time. After withdrawal of the revision petition before the Court of Sessions, CRR Nos.2106 and 2593 of 2012 were filed in the High Court. Petitioner was relegated to approach the Court of Sessions and both the said crl. revision petitions were disposed of accordingly.

[5]. The Courts below have noticed the facts that on earlier occasion, an application under Section 319 Cr.P.C. was filed for summoning of accused Sumittar Singh and Sher Singh as additional accused, who are real brother of accused no.1. The said prayer was declined by the trial Court. Thereafter, application under Section 311 Cr.P.C., came to be filed for summoning the record and the additional witness.

[6]. After dismissal of the earlier application, fresh application was not entertained in the manner as narrated above. Apparently, the charge is in respect of forging affidavit

(Ex.PB) dated 03.12.1996. The fabrication of said affidavit at a later stage i.e. after decision of the civil Court in my considered opinion would not give rise to any such consideration requiring the record of civil Court for disposal of the case.

[7]. In view of above, no ground is made out to interfere with the impugned orders. This petition is accordingly dismissed.

[8]. Record of the trial Court be sent back.

April 27, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No