

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

129

Criminal Revision No.1153 of 2018
Date of Decision: March 26th, 2018

Manjit Singh

...Petitioner

Versus

Satnam Singh Bansal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 07.03.2018 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby an application under Section 311 Cr.P.C. stands dismissed.

It is the contention of learned counsel for the petitioner that the evidence, which is being sought to be led by the petitioner by seeking permission of the Court to examine the Handwriting and Fingerprint Expert to compare the signatures of complainant-Satnam Singh (respondent herein) on Exhibit DA with the admitted signatures of the complainant on Exhibit C5 etc. which are already on the Court file and to compare writing and ink used for filling the body of the cheque, is essential for the just decision of the case. His submission is that the Court has vast powers while exercising its powers under Section 311 Cr.P.C. and, therefore, should have allowed the application by giving the petitioner an opportunity to lead additional evidence in his defence. He, therefore, prays that the impugned order passed by the trial Court cannot sustain and deserves to be set aside and the application of the petitioner under Section 311 Cr.P.C. be allowed.

I have considered the submissions made by learned counsel for the petitioner and have also gone through the impugned order.

Perusal of the said order would show that the complainant, when appeared in the witness box in support of his case, was cross-examined on the aspect of his signatures on Exhibit DA. The complainant had said that he could not identify the signatures. In the light of the said fact, the petitioner was very much aware that the signatures on the said document Exhibit DA were not admitted by the complainant and, therefore, had ample opportunity to produce evidence to substantiate his assertions that these signatures were of the complainant. It is an admitted position that the statement of the petitioner under Section 313 Cr.P.C. was recorded after the evidence of the complainant was over. He had submitted his list of witnesses thereafter and had also led his evidence in support of his stand in his statement under Section 313 Cr.P.C. It has come on record that the petitioner had closed his evidence by giving a statement to that effect and, therefore, there is no reason why the petitioner could not lead the said evidence as is being sought to be led by way of present application under Section 311 Cr.P.C.

The action of the petitioner is apparently an intention on his part to delay the proceedings before the trial Court and obviously understandable as the liability would come on him in case the complaint is allowed. The petitioner cannot blame anyone else for having not been diligent enough except for himself as he had failed to lead his evidence when he had full opportunity to do so.

Finding no merit in the present petition, the same stands dismissed.

March 26th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE