

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

**Criminal Revision No.2408 of 2018
Date of Decision: 26.07.2018**

Balbir Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manmeet Singh Rana, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present revision petition against order dated 10.07.2018 passed by Judicial Magistrate Ist Class, Jalandhar, whereby the application filed by him under Section 311 CrPC has been dismissed.

Learned counsel for the petitioner has argued that the investigating agency has inadvertently not attached the customer application forms regarding which CDR details are already attached with the judicial file and the customer application forms are relevant material to be placed on record. He further submits that placing on record of the said documents will not cause any prejudice to the accused, as he will get an opportunity to cross-examine the witnesses.

I have heard learned counsel for the petitioner.

The impugned order reveals that the present application under Section 311 CrPC was made at a time when PW-2 Surinder Mohan was being partly examined-in-chief, who had brought the record pertaining to mobile numbers 94783-05015 and 94174-81854 in the name of the accused. The trial Court has dismissed the said application with an observation that the purpose of filing the said application is nothing but to delay the proceedings, as earlier also, the application filed under Section 216 CrPC, for amendment of charge, was dismissed vide order dated 16.10.2014. Furthermore, another application moved by the prosecution under Section 311 CrPC for placing on record the application dated 08.03.2013 was also dismissed by the trial Court vide order dated 20.04.2018 and now again, the present application has been filed under Section 311 CrPC to place on record the customer application forms. However, the said documents were not placed on record at the time of presentation of the challan. Moreover, the order dated 10.07.2018 passed by learned Magistrate also depicts that the documents sought to be placed on record i.e. customer application forms are not available in the police file.

In this view of the matter, this Court does not find any merit in the present revision petition.

Dismissed.

July 26, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No