

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

CRR-735-2018(O&M)
Date of Decision:06.03.2018

Nalin SuriPetitioner

Vs.

State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner challenges the dismissal of an application filed under Section 311 Cr.P.C., seeking to place on record the report of an architect, alongwith photographs. The reason given in the application, was that inadvertently the bills and photographs regarding the incomplete work could not be led by way of evidence earlier.

As per the impugned order, a charge for the commission of an offence punishable under Section 420 IPC had been framed in the year 2015 against the accused. Thereafter, sufficient opportunities, including a last opportunity and “a special last opportunity”, were given to the prosecution, by also 'sending process' through the Commissioner of Police and the District Attorney. However, only when the case was fixed for recording the statement of the accused under Section 313 Cr.P.C., the application under Section 311 Cr.P.C., was filed.

It has been further stated in the impugned order that one of the witnesses for the complainant/prosecution, Meenakshi Kakkar, who was stated to have assessed the value of the work, deposed that no estimate was made by any building expert and all documents in her possession were handed over to the police at the time of registration of the FIR, with none of those documents having been made a part of the report submitted under Section 173 Cr.P.C.

Though that obviously may not be the fault of the complainant but of the investigating agency itself, however, seeing that sufficient opportunities had been granted to the petitioner to lead all evidence including “a special last opportunity,” with the trial ongoing since 2015, I see no ground to interfere with the impugned order dated 15.01.2018.

Consequently, this petition is dismissed.

March 06, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO