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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 28th August, 2018

+ CRL.M.C. 1611/2018

KRISHNA BAHADUR DAHAL

..... Petitioner

Through: Nitin Rai Sharma and Mr. Sanjeet
Singh, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Ravi Nayak, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is facing trial (in session case no.1357/16) in the court of the Special Judge on the charge for offence under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985. The case had reached the stage of final arguments when application was moved by the prosecution under Section 311 of the Code of Criminal Procedure, 1973 (Cr. PC) for permission to examine two more witnesses. The said application was allowed by the Special Judge by order dated 05.03.2018, which is impugned by the petition at hand under Section 482 Cr. PC.

2. Having heard the counsel on both sides and having gone through the record, this court finds no merit in the petition. Undoubtedly, the prosecution was expected to be vigilant and diligent in presenting its entire evidence in one go, but then the fact that there was a need to prove the report under Section 57 of the Narcotic Drugs and Psychotropic Substances Act, 1985 through the then Station House Officer of the police station and Assistant Commissioner of Police of the Sub Division, is stated to have been brought to light later. The provision contained in Section 311 Cr. PC confers the jurisdiction on the criminal court to permit additional evidence to be brought in if it is essential for the just decision of the case. The trial Judge has exercised the said discretion setting out its reasons which are sound. There is no justification for this court in exercise of its jurisdiction under Section 482 Cr. PC to interfere with the judicial discretion which has been properly exercised.

3. The petition is dismissed.

R.K.GAUBA, J.

AUGUST 28, 2018

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