

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 14324 of 2018
Date of Decision: 06.11.2019

Roor Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rahul Bhargava, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

None for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have challenged the order dated 5.9.2017 (Annexure P-8) passed by Additional Sessions Judge, Amritsar, vide which the application filed by them under Section 391 Cr.P.C. was dismissed on the ground that the judgments sought to be produced in additional evidence were well within the knowledge of the petitioners and that these documents were not referred to in the grounds of appeal before the said Court.

Learned counsel for the petitioners has argued that in case FIR No. 313 dated 28.7.2009 registered under Sections 415, 420 IPC at Police Station Sadar, Amrtisar, petitioner No. 1 Roor Singh was acquitted vide judgment dated 13.10.2014, whereas in the present case, the petitioners were convicted and sentenced vide judgment and order dated 30.10.2014.

As per the learned State counsel, the application has rightly been dismissed by the Appellate Court as the petitioners have no right to move the application for additional evidence once the documents, sought to be produced

by the petitioners, were within their knowledge.

I have heard the learned counsel for the parties.

It is pertinent to mention here that the document sought to be placed on record is a judgment dated 13.10.2014 passed by the Judicial Magistrate Ist Class, Amritsar. Taking into consideration that the judgment under appeal wherein the application was moved, was delivered by the Court concerned on 30.10.2014, in my opinion, it could not be said that the petitioner had sufficient time to place on record the judgment dated 13.10.2014. Still further, the document sought to be placed on record as additional evidence, is a verdict of the Court and does not involve any procedural intricacies.

In view of the above, the prayer of the petitioner to the extent that the judgment of acquittal dated 13.10.2014 be allowed to be placed on record as additional evidence, is allowed.

The petition is allowed in the above terms.

(HARNARESH SINGH GILL)
JUDGE

November 06, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No