

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

(i) CRM No.M-34034 of 2017 (O&M)

M/s MCF Fasteners India Ltd. and others

...Petitioners

VERSUS

M/s Super Screws Pvt. Ltd.

...Respondent

(ii) CRM No.M-34157 of 2017 (O&M)

M/s MCF Fasteners India Ltd. and others

...Petitioners

VERSUS

M/s Super Screws Pvt. Ltd.

...Respondent

Date of Decision: January 29, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Munish Behl, Advocate
for the petitioners.

Mr.Abhilaksh Grover, Advocate
for the respondent.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as point
for determination in these cases is the same.

Petitioner has filed these petitions under Section 482 Cr.P.C.

for quashing of order dated 01.09.2017 passed by learned Judicial

dated 01.07.2015 vide which applications dated 10.07.2017 and 25.07.2017 filed by the petitioners for tendering documents by way of additional evidence, have been dismissed by a common order.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petitions.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that during the pendency of the trial, two applications have been filed by the petitioners for leading additional evidence, first for tendering cheques and second application for tendering copy of original bills D-17 to D-27, account statements D-28 to D-33. Learned JMIC, Faridabad, dismissed both the applications by holding that arguments of one of the party have already been heard and at this stage, these applications were filed to delay the proceedings etc.

It is settled law that application under Section 311 Cr.P.C. can be filed at any stage before pronouncement of the order. As per the impugned order, the oral defence evidence was closed and the case was fixed for documentary evidence and final arguments. There is nothing in the order that documentary evidence was also closed by the accused. Further, the arguments were addressed only by learned counsel for the complainant before the trial court and at that stage, the applications have been filed. Learned trial Court has nowhere stated that those documents are not relevant to the case nor it has been held that these documents are not necessary for the just decision of the case whereas learned counsel for the petitioners argued that those documents are relevant and necessary for

deciding the dispute between the parties.

From the record, I find that learned trial Court has wrongly dismissed the applications. It is settled law that Court should do substantial justice between the parties and not to go into the technicalities of law. Otherwise also, the application can be filed at any stage of the case for leading additional evidence.

In view of the above discussion, I find that the impugned order dated 01.09.2017 passed by learned JMIC, Faridabad, is not as per law and the same is set aside. The applications under Section 311 Cr.P.C. filed by the petitioners are allowed. Learned trial Court is directed to give only two effective opportunities to the petitioners to produce and prove the documents as per law.

Finding merit in both the petitions, the same are allowed accordingly.

January 29, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No