

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

CRR No.2335 of 2014 (O&M)
Date of Decision: January 22, 2019

Mandeep Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Rai, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

Ms.Amarpreet Kaur Sabharwal, Advocate
for respondents No.2 to 6.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Mandeep Singh against State of Punjab and other respondents, challenging the impugned order dated 07.07.2014 passed by learned Judicial Magistrate Ist Class, Samrala, vide which application under Section 311 Cr.P.C. production of additional evidence by way of certified copy of judgment dated 09.08.2007 and another application under Section 311 Cr.P.C. for exhibiting certified copies of telegrams postal receipts already filed with the challan, have been dismissed by a common order.

Notice of motion was issued. Learned State counsel appeared.

Learned counsel for respondents No.2 to 6 appeared and contested the

petition.

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

From the record, I find that during the pendency of the trial, two applications under Sections 311 Cr.P.C. were filed by the prosecution, first for production of additional evidence by way of certified copy of judgment dated 09.08.2007 passed by learned Addl. District Judge, Fast Track Court, Ludhiana, and second for exhibiting certified copies of telegrams postal receipts already filed with the challan. Learned trial Court, after going through the record and after hearing the both the parties, dismissed the applications.

The perusal of the record shows that prosecution wants to produce only certified copy of judgment passed by Addl. District Judge, Fast Track Court, Ludhiana, which has come into existence, as per record, after the presentation of the challan. There is no bar to produce the copy of the judgment as additional evidence under Section 311 Cr.P.C. Furthermore, in the challan, there is mention regarding pendency of the civil litigation, which is regarding possession of the property and dispute is regarding illegally cutting of trees and damaging crops etc., as argued. The application for producing the certified copy of the judgment, in no way, will cause any prejudice to any party nor it can be said that this document has been forged later on. Similarly, copies of telegrams postal receipts, which the prosecution want to place on record, will not cause any prejudice to the other party, rather, it will help the Court to decide the matter substantially between the parties. However, the relevancy of these documents can be

necessary for just decision of the case and to do substantial justice between the parties and these documents should have been allowed to be produced before the Court.

In view of the above discussion, I find that the impugned order dated 07.07.2014 passed by learned JMIC, Samrala, is not as per law and the same is set aside.

Finding merit in the present revision petition, the same is allowed. Both the applications filed by the prosecution under Section 311 Cr.P.C. for producing additional evidence are accepted.

January 22, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No