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

**CRR-4499-2016 (O&M)
Date of decision-14.10.2019**

Ishwar Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Digvijay Dalal, Advocate for
Mr. M.S.Khillan, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

Mr. Rajesh Dhiman, Advocate for
Mr. Rahul Deswal, Advocate
for respondent Nos.2, 3 and 5 to 7.

Mr. Rohit Kumar, Advocate for
Mr. Sushil Bhardwaj, Advocate for respondent No.4.

MANOJ BAJAJ, J.

This petition has been filed by petitioner to challenge the order dated 10.11.2016 passed by Judicial Magistrate First Class, Karnal, whereby the application filed under Section 311 Cr.P.C was dismissed. The order arises from the trial proceedings in case FIR No.287 dated 31.05.2011 registered under Sections 420, 467, 468, 471, 472, 452 and 120-B read with Section 34 of Indian Penal Code, 1860 at Police Station Nissang, Karnal.

On 02.07.2019, learned counsel appearing on behalf of respondent No.4 had apprised the Court that petitioner-Ishwar Singh has expired on 13.10.2017. Learned counsel who represented the petitioner had sought time to verify this fact.

Today again an adjournment is being sought to verify the said fact. However, this Court does not find any reason to adjourn the case particularly when learned counsel for the State and the private respondents have apprised the Court that case is at the fag end.

The allegations in the FIR pertain to impersonation by accused as Chottu Ram while executing agreement to sell dated 23.02.2010 and the Special Power of Attorney of the even date. The application under Section 311 Cr.P.C was filed to examine the hand writing expert to prove the said offence, however, the trial Court proceeded to decline the prayer on the ground that the prosecution has already adduced the evidence in order to prove the said fact. The trial Court has noticed the documentary evidence adduced by prosecution i.e. FSL report as Exhibit PW-15/G and Special Power of attorney as Exhibit PW-16/B.

After examining the case on merits, this Court finds that the trial Court has carefully examined the issue and has rightly declined the prayer made in the application under Section 311 Cr.P.C. Trial Court has specifically observed that the additional evidence sought to be adduced is not necessary particularly when the prosecution has already adduced its evidence to prove the said fact by examining PW-15 and PW-16 and FSL reports have already been given in evidence.

In view of the above, no ground is made out for interference with the impugned order dated 10.11.2016 passed by the trial Court.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

14.10.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No