

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

CRM-M-25879-2019

Date of Decision: 27.09.2019

M/s Gurbir Rice Mills and another

...Petitioners

Versus

M/s Kissan Rice Mills

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sherry K. Singla, Advocate for the petitioners.
Mr. J. S. Saneta, Advocate for the respondent.

ANIL KSHETARPAL, J.

Challenge is to the order passed by the learned Judicial Magistrate declining the application for calling upon the complainant to admit the genuineness/execution of four agreements with the accused.

The application was filed when accused was leading his defence evidence. When the complainant appeared for deposing in the Court, he had admitted that he had given the Rice Mills in question on lease to the accused for the years 2009-10, 2010-11 and 2012-2013. The agreements, which are sought to be admitted or denied from the complaint, are with respect to those years for lease of the Rice Mills.

Learned court dismissed the application on the ground that if at this stage the application is allowed, it would amount to miscarriage of justice. It is not in dispute that after conclusion of the evidence by the complainant on 06.02.2019, the statements of the accused under Section 313 Cr.P.C. were recorded on 13.02.2019 and thereafter in March the application in question was filed.

The accused has right to lead defence evidence. Such evidence

in the defence can be refused by the court only on the ground that if the court comes to a conclusion that the evidence sought to be led is vexatious or for the purpose of delay or for defeating the ends of justice. Facts of the present case do not establish any such ground. The accused has a right to defend the case. In such circumstances, the right to lead evidence in defence cannot be scuttled by the court.

In view of the above, the present petition is allowed. Consequently, the order under challenge is set aside. The respondent-complainant shall be called upon to admit or deny the document enabling the petitioner to lead evidence. However, keeping in view the facts of the present case, the learned trial court is requested to conclude the trial of the complaint within four months.

27.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No