

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-27955-2019

Date of Decision:26.09.2019

Binder Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Aminder Singh, Advocate,
for the petitioner.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. Amit Kumar Walia, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present petition under Section 482 Cr.P.C. for setting aside the order dated 04.06.2019 passed by learned Additional Sessions Judge, Sangrur, whereby the application filed by the petitioner-complainant under Section 311 Cr.P.C. for examination of Nodal Officer along with call details and placing on file the supplementary challan regarding call details has been declined on the ground that evidence of prosecution was closed by the order of the court on 30.04.2019.

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

Learned counsel for the petitioner has argued that the FIR was lodged in July 2018 and thereafter, investigation was conducted and challan

was presented. Perusal of the FIR shows that there are allegations as regards call details and therefore, Certificate under the Evidence Act was material evidence in the case. The call details were received in the case and the application filed by the petitioner to examine the Nodal Officer and call details have not been considered. Moreover, defence evidence has yet not been started and in this manner, no prejudice would be caused to the accused. The evidence of the prosecution was closed on 30.04.2019 though before that the case was fixed for 22.04.2019, wherein last opportunity was granted to the prosecution to conclude the evidence on 30.04.2019. He further states that the police has conducted the investigation and the call details were received on 27.04.2019 and thereafter, supplementary challan was presented on 30.04.2019.

Heard learned counsel for the parties.

Considering the fact that defence evidence has yet not started and the call details were received on 27.04.2019 necessitating the prosecution to present the supplementary challan on 30.04.2019, this Court finds that the present petition deserves to be allowed.

Accordingly, the present petition is allowed, order dated 04.06.2019 is set aside and one more opportunity is granted to the prosecution to lead evidence as regards call details as the supplementary challan has already been presented. However, it is made clear that the trial Court shall grant only one opportunity to the prosecution to lead evidence as regards the call details.

September 26, 2019
seema

(HARI PAL VERMA)
JUDGE

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