

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

CRM-M-29612-2019 (O&M)

Date of decision : 15.07.2019

Darvesh Kumar

...Petitioner

Versus

Ashwani Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Batra, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Accused is in the present petition against the order passed by the trial Court permitting the complainant to adduce in additional evidence endorsement on the application made by the bank under a stamp dated 29.07.2018.

Crucial issue which is being debated before the trial Court is as to when was the intimation sent by the bank to the complainant about the dishonour of the cheque. No doubt, in the complaint, it was mentioned by the complainant that the intimation was sent on 07.07.2015 which had also been stated by the complainant in evidence, however, later on it transpired that the date as given in the complaint and evidence is not correct. Application to that effect was filed by the complainant to the bank to get complete information and on getting appropriate information, application for permission to lead additional evidence was filed which has been allowed

by the Court.

Learned counsel for the petitioner has submitted that such application could not have been allowed as it amounts to filling up of lacunas in evidence.

This Court has considered the submissions. The Courts are here to do justice between the parties. Merely because there is some typographical or inadvertent mistake in the complaint, the same cannot be ordered to be dismissed particularly when the complainant has filed an application for permission to lead additional evidence under Section 311 Cr.P.C. which has already been allowed by the Court. Discretion exercised by the trial Court is in accordance with law and does not require any interference.

Accordingly, the present petition is dismissed.

15.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No