

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

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**CRM-M-33276-2019(O&M)
Date of Order: .30.09.2019**

RAJESH RANA

..Petitioner

Versus

M/S ANMOL ENTERPRISES, COMMISSION AGENT

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Hooda, Advocate, for the petitioner.
Mr. Arun Bansal, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

Correctness of the order passed by the Judicial Magistrate Ist Class refusing permission to the accused to examine Handwriting and Finger Print Expert in his defence evidence in order to prove that the various column in the cheque are not under his hand writing, has been challenged.

It is undisputed that the case was fixed for defence evidence. Once the case was fixed for defence evidence, the accused cannot be denied right to lead evidence unless the court records that the defence evidence sought to be led is for the purpose of vexation or delay or for defeating the ends of justice. Reference in this regard can be made to Section 243 CR.P.C. read with Section 247 Cr.P.C

A reading of the order does not show that the Court while rejecting the prayer found that the evidence sought to be led would lead to vexation or delay or for defeating the ends of justice

In view of the aforesaid, order under challenge is set aside. The Courts are reminded that the accused also has a right to lead defence

evidence and their rights cannot be scuttled in violation of the procedure laid down in the Code of Criminal Procedure.

Keeping in view the aforesaid facts, the present petition is allowed.

September 30, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No