

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-38200 of 2019

Date of Decision: 09.09.2019

Swaran Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed this petition under Section 482 Cr.P.C. impugning the order dated 16.07.2019 passed by Sub Divisional Judicial Magistrate, Sultanpur Lodhi, whereby the application dated 18.04.2019 moved by the prosecution/complainant under Section 311 CrPC to take necessary documents i.e. judgments and decrees dated 04.12.2017, 28.08.2015 and 07.05.2015 on record, being necessary for the just decision of the present case, was dismissed.

Counsel for the petitioner has argued that the judgments and decrees so mentioned in the application were quite relevant and no prejudice is going to be caused to the respondents-accused in case the same are taken on record.

I have heard learned counsel for the petitioner.

The judgments and decrees dated 04.12.2017, 28.08.2015 and 07.05.2015 does reflect that the same relate to some civil litigation between the petitioner and Mohinder Singh and Joginder Singh and not between the petitioner and the respondents-accused and thus, these judgments and decrees have nothing to do with the present case, more particularly, when the allegations against the accused are of outraging the modesty of a woman and causing simple injuries to the victim. Moreover, filing of any such an application under Section 311 CrPC at such a belated stage, when defence evidence has been recorded and the case is fixed for final arguments, is bound to cause prejudice to the interest of the respondents-accused. Assuming for the sake of arguments that the suit property relates between the same parties, but considering the fact that the judgments and decrees were already in existence and same have not been brought on record till passing the impugned order and it is only at the fag end of the case, the petitioner has moved the instant application, obviously to delay the trial in the case.

No ground for interference is made out.

Dismissed.

September 09, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No