

CRM-M-5272 of 2016

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

CRM-M-5272 of 2016
Date of Decision: 05.03.2020

Satya Parkash

...Petitioner

Versus

Shri Parveen

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Kunal Dawar, Advocate, for the petitioner.
Mr. J.S. Bedi, Sr. Advocate,
with Mr. Sonpreet Singh, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., complainant has laid challenge to order dated 09.02.2016 of the trial Court, whereby his application under Section 311 Cr.P.C. to exhibit pronote-cum-receipt, allegedly executed by respondent, by way of additional evidence was dismissed.

Briefly, in a complaint under Section 138 of the Negotiable Instruments Act filed by petitioner, both the sides concluded their evidence to their satisfaction. However, at the fag end, i.e. the stage of final arguments, petitioner desired to prove and exhibit a pronote-cum-receipt allegedly executed by respondent by way of additional evidence, which earlier could not be proved inadvertently as the same was produced and exhibited in a summary suit filed by the petitioner against respondent under Order 37 CPC. Thus, he moved application under Section 311 Cr.P.C. for

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the said purpose. The same has been dismissed after hearing both the sides by the trial Court vide impugned order.

Heard.

Having given thoughtful consideration to the rival submissions, since, pronote-cum-receipt sought to be produced by the petitioner by way of additional evidence is a necessary document, duly mentioned in para No.3 of the complaint, therefore, setting aside impugned order dated 09.02.2016 of the trial Court, petitioner is permitted to prove the same, subject to exemplary costs of ₹75,000/- to be paid to the opposite side. Respondent-accused shall be granted an opportunity to cross-examine the complainant, if he so desires, and lead rebuttal evidence.

Disposed of.

March 05, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No