

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23514-2020 (O&M)
Date of Decision:-14.09.2020.

Ajay Kumar Gupta @ Ajay Pal Gupta @ Master Paras

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Mandeep Kaushik, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

CRM-22667-2020

This application is ordered and the Affidavit of the petitioner is taken on record as Annexure P-5.

Exemption is granted as prayed for.

CRM-M-23514-2020

The petitioner is the accused in FIR No.9 dated 31.10.2012 on the file of Police Station Vigilance Bureau, Ludhiana, registered under Section 13 (1) (e) read with Section 13 (2) of the Prevention of Corruption Act, 1988, and Section 120-B IPC. He is presently facing trial before the learned Additional Sessions Judge-cum-Judge, Special Court, Ludhiana.

By way of this petition filed under Section 482 Cr.P.C, he seeks a direction to the trial Court to dispose of the case expeditiously by taking into account the documents which are admitted by the petitioner and without insisting upon proof of such documents, through examination of witnesses. The petitioner filed applications dated 20.02.2020 (Annexure P-2) and 11.03.2020 (Annexure P-3) before the trial Court in this regard. His complaint is that the trial Court is not passing appropriate orders on the said applications.

In terms of the order passed by this Court on 07.09.2020, the petitioner filed an affidavit giving the details of the 76 documents, which he is admitting and which need not be proved through examination of witnesses. He has already furnished details of the witnesses who are proposed to be examined in relation to these documents. Mr. Mandeep Kaushik, learned counsel, would contend that the trial Court could dispense with examination of these witnesses as the documents stood admitted.

It appears that the prosecution listed 84 witnesses for examination in this case and only 5 of them have been examined till date. Section 58 of the Indian Evidence Act, 1872, states to the effect that facts which are admitted need not be proved. Section 294 Cr.P.C. requires the Court to call upon the prosecution or the accused, as the case may be, to admit or deny the genuineness of the documents produced before it.

This being the legal position, the trial Court would be entitled to take note of the admitted documents, subject to the trial Court requiring specific proof in relation to any particular document, and dispense with

examination of witnesses who are sought to be examined only for the purpose of proving such admitted documents.

As the applications filed by the petitioner (Annexures P-2 and P-3) are still pending consideration before the trial Court and the list of admitted documents now furnished before this Court can also be taken into consideration by the trial Court, this petition is disposed of directing the trial Court of the learned Additional Sessions Judge-cum-Judge, Special Court, Ludhiana, to consider the said applications on their own merits and in accordance with law on the next date of hearing, which is stated to be 25.09.2020, and pass appropriate orders thereon. The trial Court shall also endeavour to dispose of the case expeditiously.

(SANJAY KUMAR)
JUDGE

September 14, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.