

CRM-M-20662-2021(O&M)

[1]

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

**Criminal Misc. No.M-20662 of 2021(O&M)  
Date of Decision: July 19, 2021**

Richi Rich Agro Foods (P) Ltd. and others ...Petitioners

Versus

M/s Harshil Trading Co ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr.Fateh Saini, Advocate  
for the petitioners.

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**HARINDER SINGH SIDHU, J.**

Challenge herein is to the order dated 11.02.2021 passed by Judicial Magistrate Ist Class, Panipat, whereby, on an application moved by the complainant, a document (Form VAT-D2) was ordered to be exhibited as CW2/H. Also challenged is the order dated 01.03.2021, whereby, the revision against the aforesaid order was dismissed by Ld. Sessions Judge, Panipat.

Factual background of the case is that M/s Harshil Trading Company (respondent herein) has filed a complaint under Section 138 of the Negotiable Instruments Act against Richi Rich Agro (petitioner herein). On 05.12.2019 when the case was fixed for defence evidence, an application was filed by the respondent for permission to Exhibit document Form VAT D-2 as Ex.CW2/H, which had earlier been placed on record during evidence. It was opposed by the petitioners. Considering that witness of the respondent (CW2 Ram Mehar) during his examination-in-chief had already

tendered the said document, but the same was not marked as an exhibit due to inadvertence, the Ld.Trial Court allowed the application. The document was exhibited. The revision was also dismissed.

Ld. Counsel for the petitioners has argued that by permitting the document to be exhibited the respondent is only filling the lacunae in the evidence which cannot be permitted.

The argument has no merit as the document had already been placed on record during the examination-in-chief of CW2-Ram Mehar, a witness of the respondent/complainant and it was only due to inadvertence that it was not marked as exhibit. The petitioners had full opportunity to confront the said witness at that stage. Hence, no prejudice is caused to them.

There is no merit in the petition and the same is dismissed.

**July 19, 2021**

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**(HARINDER SINGH SIDHU)  
JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |