

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

201

**CRM-M-15433 of 2018
Date of Decision: 10.11.2022**

Hanuman Gupta @ Hanuman Prasad Gupta

..... Petitioner

Versus

Snehamayi House Building Co-op. Society Ltd.
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sumit Gupta, Advocate
for the petitioner.

None for the respondents.

GURBIR SINGH, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. for setting aside the impugned order dated 06.03.2018 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Chandigarh, whereby application under Section 311 Cr.P.C. filed by the petitioner for bringing on record certain necessary documents as additional evidence, has been dismissed.

As per office report, respondents No.1 to 3 have been duly served through their counsel in the trial Court, however, no one is present on their behalf.

Learned counsel for the petitioner submits that the petitioner has filed the complaint under Section 138 of the Negotiable Instruments Act, 1881 against the respondent, which is pending trial. The petitioner moved an application under Section 311 Cr.P.C. for leading further

evidence by producing additional documents regarding the details of the

payment received in pursuance to the execution of the sale deed. Notice issued to the accused by the complainant on 03.02.2014. On acknowledgment of the notice sent to the Sub-Registrar, the balance sheet regarding the payments so received from the accused was disclosed. The compromise decree was passed in O.S. No.1000/2009 by the Senior Civil Judge and JMFC, Nelamangala.

No doubt, the complainant had already closed the evidence. The purpose of trial is to elicit truth. The trial should not be fair only to the accused but it should also be fair to the complainant/prosecution. Since other party would get opportunity to rebut the documents which are to be produced/proved, so no prejudice would be caused to the other party.

In the light of above, the impugned order dated 06.03.2018 (Annexure P-4) is set aside and the petitioner is permitted to lead the evidence by way of additional documents.

Accordingly, the petition is allowed subject to payment of costs of Rs.5,000/- to be deposited in District Legal Services Authority, Chandigarh.

10.11.2022
D.Bansal

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No