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

CRR-515-2022

Date of decision : 17.03.2022

Vivek Anand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Kotla, Advocate for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

Challenge in the present Criminal Revision is to the order dated 22.02.2022 passed by the Additional Sessions Judge, Hisar, vide which an application filed under Section 391 of Cr.P.C. by the prosecution through the complainant-present petitioner, has been dismissed.

Learned counsel for the petitioner has submitted that in the present case, civil suit had been decided in favour of the petitioner on 30.11.2015 and thereafter appeal filed by the accused has also been dismissed. It is further submitted that although, the judgment of the trial Court has been exhibited but the judgment of the Appellate Court is also sought to be exhibited in the appeal. It is argued that the trial Court has convicted the accused persons.

This Court has heard the learned counsel for the petitioner and has perused the paper book.

In the present case, it is not in dispute that respondent Nos.2 to 4 have been convicted by the trial Court and the appeal has been filed by the said convicts which is pending before the Additional Sessions Judge, Hisar. Appeal is of the year 2018. The petitioner is complainant in the case who has already won in the trial Court. It is also not in dispute that civil suit which was filed by the accused persons was dismissed by the trial Court vide judgment dated 30.11.2015 and the copy of the said judgment has already been exhibited as Ex.PB. The present petitioner, who is the complainant in the case, is seeking to place on record judgment dated 17.12.2019 passed in appeal in which judgment dated 30.11.2015 has been upheld. It has been observed in the impugned order that said judgment would not further the case of the complainant in any way as the judgment dated 30.11.2015 which is also in favour of the complainant is already there on the file as Ex.PB.

This Court is also of the opinion that placing on record judgment dated 17.12.2019 would not in any way affect the appeal of the convicts or would not further the case of the complainant inasmuch as the judgment of the Civil Court which is also in favour of the complainant is already on record. In fact, interference with the impugned order would only result in delay of final adjudication of the appeal, which might be against the interest of the complainant. Moreover, in case, the said application ought to be allowed, then, accused persons would also be leading evidence on account of application for additional evidence having been allowed.

Same would in fact, cause great prejudice to the complainant and no purpose would be served by allowing the application for additional evidence.

Keeping in view the abovesaid facts and circumstances, the present Criminal Revision is dismissed.

17.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No