

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

1. CRR-911-2022

Anita Gupta

...Petitioner

Versus

M/s Dhansagar Agro Industries Fazilka

...Respondent

2. CRR-912-2022

Anita Gupta

...Petitioner

Versus

M/s Dhansagar Agro Industries Fazilka

...Respondent

3. CRR-914-2022

Anita Gupta

...Petitioner

Versus

M/s Dhansagar Agro Industries Fazilka

...Respondent

4. CRR-918-2022

Anita Gupta

...Petitioner

Versus

M/s Dhansagar Agro Industries Fazilka

...Respondent

5. CRR-921-2022

Anita Gupta

...Petitioner

Versus

M/s Dhansagar Agro Industries Fazilka

...Respondent

Date of decision: 07.05.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted five petitions as they are similar in nature.

Prayer in these petitions is for setting aside the order dated 16.03.2022, whereby the lower appellate Court has dismissed the application(s) filed under Section 391 Cr.P.C. by the petitioner/accused, who was convicted by the trial Court in proceedings under Section 138 N. I. Act and was sentenced to undergo rigorous imprisonment for two years along with payment of fine.

Learned counsel for the petitioner, at the very outset, submits that the petitioner will not lead any oral evidence and will lead evidence with regard to documents mentioned at Sr. No. a, b, c, d, i, j and k only, which are the certified copies of the judgment/orders of the Court and the final report under Section 173 Cr.P.C. in FIR No. 09 dated 24.01.2014, registered under Sections 420, 418, 465, 467, 468, 471, 120-B of the IPC at Police Station Fazilka.

Learned counsel for the petitioner further submits that the certified copies of the judgment/orders of the Court, referred to above, are admissible in evidence without leading any oral evidence, whereas with regard to report under Section 173 Cr.P.C., it is submitted that since FIR No. 09 is already exhibited before the trial Court, therefore, the report under Section 173 Cr.P.C. would only help the lower appellate Court to know about the investigation conducted by the police in the said FIR.

Considering the fact that the petitioner has specifically stated that he does not want to lead any oral evidence and will only tender the aforesaid documents, which can be allowed by the lower appellate Court.

After hearing learned counsel for the petitioner, in order to avoid any further delay in disposal of the appeal, the present petition is allowed and the petitioner is permitted to exhibit all the aforesaid documents, mentioned at Sr. No. a, b, c, d, i, j and k, as per application/impugned order.

However, it is made clear that it will be open for the Court to take final decision about the admissibility of the documents, at the time of final disposal of the appeal.

It is also made clear that no oral evidence will be permitted to be led and the lower appellate Court will afford an opportunity of hearing to the complainant to rebut the said evidence.

This will be subject to payment of Rs. 5,000/- per petition by the petitioner to complainant.

Liberty is granted to complainant to move an application for revival of the present petitions in case allowing of the documents by leading additional evidence by this Court is not acceptable to complainant and the complainant wants to seek decision on the merits of the case.

A photocopy of this order be placed on the file of other connected cases.

07.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No