

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-948-2022 (O&M)
Date of decision: 10.05.2022

Anita Gupta

... Petitioner

Vs.

M/s Dhansagar Agro Industries

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.P. Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 16.03.2022, vide which the lower appellate Court has dismissed the application 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 certified copies of judgment/orders of the Court and final report under Section 173 Cr.P.C. in FIR No.09 dated 24.01.2014 under Sections 420, 418, 465, 467, 468, 471, 120-B of the IPC, registered at Police Station Fazilka.

Learned counsel for the petitioner further submits that certified copies of 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, 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.

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 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, however, be subject to payment of Rs.5,000/- by the petitioner to the complainant.

The lower appellate Court is directed to dispose of the appeal within a period of six months from today.

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

[ARVIND SINGH SANGWAN]
JUDGE

10.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No