

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

CRR-1174-2022

Date of Decision: 10.10.2022

Jitender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Vikramrana, Advocate for the petitioner

ASHOK KUMAR VERMA, J.

The petitioner has filed this revision petition challenging the impugned order dated 17.9.2021 passed by the Additional Sessions Judge, Panipat vide which application filed by the petitioner for leading additional evidence has been dismissed.

It is the case of the petitioner/convict that he had business transaction with the respondent-complainant. He wants to produce call recordings as additional evidence, to prove that he was having business transactions with the respondent-complainant.

I have heard learned counsel for the petitioner and perused the paper-book.

Indisputably, the petitioner wants to lead additional evidence at the appellate stage where his appeal against the judgment and order of quantum of sentence dated 15/16.1.2019 passed by the trial court is pending. At the time of passing of the aforesaid judgment dated 15/16.1.2019, the trial court recorded that the petitioner has failed to prove his business relationship with the complainant. Now at the appellate stage, the petitioner/convict wants to produce call recordings between him and the complainant to prove the factum of business transactions. Admittedly, no transcript of CD of the alleged recording has been placed on record before the appellate court alongwith the application and even no details of date and time of call recordings have been mentioned in the application filed by the petitioner before the appellate court. The petitioner cannot be allowed to lead additional evidence at the belated stage before the appellate court. If the petitioner is permitted to lead such evidence at the appellate stage, it would amount to re-opening the entire trail of the case before the trial court which would be abuse of process of law. It is well settled law that a party is supposed to pursue its case with due diligence and a party cannot be allowed to take advantage of his own wrong/negligence. The Hon'ble Supreme Court in **Mangal Singh vs. Kishan Singh, (2009) 17 SCC 303** has held as under:-

“14. ... But it will be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the accused. There is, therefore, no reason to give all the benefits on account of the delay in trial to the accused and to completely deny all justice to the victim of the offence.”

For the reasons recorded above, I find no illegality or perversity in the impugned order 17.9.2021 passed by the Additional Sessions Judge, Panipat which calls for no interference by this Court.

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

10.10.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No