

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

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**CRM-M-44941-2019
Decided on : 11.10.2022**

Jaya Ram @ Jaya Raman P.

. . . Petitioner(s)

Versus

Naresh Kumar

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. H. N. Sahu, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Advocate for respondent.

SANJAY VASHISTH, J. (Oral)

During course of the arguments, learned counsel for respondent points out that vide order dated 13.09.2019, liberty has already been granted to the petitioner by the Revisional Court.

The relevant and concluding part of the said order says as under:

“After carefully perusing the case file and going through the respective submissions advanced this court is of the considered view that the revisionist has assailed the propriety of the order dated 06.07.2019 but not a word has been argued as to how impugned order can be said to be perverse or illegal and merely because the accused has not been granted an opportunity for leading evidence by examination of the witnesses when the oral evidence of the adduced stands closed vide court order dated 13.05.2019 this would not mean that the accused can re-agitate his stand by again filing an application under 13.05.2019. No explanation

has been furnished by the accused revisionist for not leading of the evidence at the time when the accused was given the opportunity to produce his evidence and it is not the version of the accused that the evidence sought to be adduced was not within his knowledge prior to the filing of the application u/s 311 Cr.P.C.

Thus this court is of the opinion that application u/s 311 Cr.P.C. stands rightly disallowed by the learned Lower court as the accused despite the reasons known to him choose not to examine the witnesses so sought to be examined by him filing by an application u/s 311 Cr.P.C. Also, the witness which have been sought to be examined are related to the record of the Court of which certified copies can also be obtained and tendered by way of documentary evidence and there is no requirement of law that the witnesses have to be examined for this purpose when the authenticity of the documents sought to be produced has not been challenged. There being no material illegality or perversity in the order dated 06.07.2019, the present revision petition is hereby dismissed. Ahlmad is directed to lower court file be sent back forthwith and file be consigned to record room after due compliance.”

Learned counsel for respondent further submits that in view of the observations passed in the aforesaid order, petitioner is still having an opportunity to place on record the certified copies of complaints or any other relevant documents arising out from already pending cases before the Court.

In view of this situation, learned counsel for the petitioner seeks permission to withdraw the present petition to enable the petitioner to move an appropriate application, in view of the aforesaid observations.

Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

October 11, 2022

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*