

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR No. 13 of 2023
Date of Decision: 05.01.2023

Rakesh Jain Petitioner
Versus
Central Bureau of Investigation Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Siddharth Pandit, Advocate
for the petitioner.

Ms. Shubhra Singh, Advocate
for the respondent-CBI.

ANOOP CHITKARA, J. (ORAL)

Feeling aggrieved by the dismissal of his application non-examination of petitioner-accused person under Section 313 Cr.P.C, petitioner has come up before this Court under Section 397 read with Section 401 Cr.P.C on the grounds that no incriminating evidence has come during the evidence.

Without going into details, if it was a case of no evidence the issue under 245 Cr.P.C would have come into operation, which is the case in question and that is why the trial Court in its own wisdom decided to proceed under Section 313 Cr.P.C and asked the petitioner to face incriminating evidence proceeded against him.

At this stage, counsel for the petitioner submits that he would be contended and satisfied if at the time of final arguments he is permitted to argue even this point that no incriminating evidence was available against the petitioner.

The prayer is not only innocuous but is also statutory right.

Given above, the present petition is disposed of with liberty to argue all the points raised in this petition at the time of final arguments before the trial Court and trial Court shall consider the same in accordance with law at the time of passing final judgment.

All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.01.2023
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No