

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

114

Crl. Misc. No.M- 1816 of 2023

Date of Decision:- 16.01.2023

RAKESH KUMAR

....Petitioner

VS.

STATE OF PUNJAB

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Ved Priya Malik, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

Vide order dated 14.12.2022, the Judicial Magistrate, Ist Class, Barnala, has allowed an application filed by the prosecution under Section 311 Cr.P.C. and has permitted it to tender the FSL report.

Learned counsel for the petitioner has submitted that the FSL report was on the judicial file since the year 2017. Non-tendering of the same/non-proving of the FSL report during the prosecution evidence was on account of its neglect.

Accordingly, a valuable right has accrued in favour of the petitioner. Order dated 14.12.2022 is, thus, illegal and deserves to be set aside.

A perusal of the impugned order shows that the concerned Court has held that in view of Section 293 of the Code of Criminal Procedure, no formal proof of FSL report is required and that it can be looked into even otherwise. This observation has not been disputed by learned counsel for the petitioner. Thus, permission to the prosecution to

tender the FSL report has not resulted in any prejudice to the petitioner. Even without the order permitting the prosecution to tender the FSL report, the same being on the judicial file, could have been looked into by the Court.

In view of the above, no interference is called for. Considering the fact that the arguments have already been heard, the trial Court is directed to decide the case on the next date of hearing.

The petition accordingly stands disposed of.

January 16, 2023
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No