

CRM-M-8490-2023
Decided on : 28.02.2023

Kamlesh Rani and another Petitioners

Versus

Kanta Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pradeep Panwar, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

The petitioners are impugning the order dated 21.01.2023 (Annexure P-1) passed by learned Addl. Sessions Judge, Panipat vide which their application filed under Section 391 Cr.PC for producing some material documents by way of additional evidence was dismissed.

Learned counsel for the petitioners *inter alia* contends that the Lower Appellate Court while dismissing their application under Section 391 Cr.PC failed to appreciate that the additional evidence, which the petitioners were seeking to adduce was necessary for the proper and just adjudication of the appeal. Learned counsel submits that on account of the dismissal of their application under Section 391 Cr.PC, the petitioners had suffered grave injustice.

Heard learned counsel and perused the relevant material available on record including the impugned order.

A perusal of the impugned order reveals that though the petitioners did file an application under Section 391 Cr.PC for adducing

additional evidence, however, as to what evidence they wanted to adduce, was not even mentioned in the said application. Therefore, the Lower Appellate Court did not commit any error in dismissing the application filed by the petitioners. This Court also concurs with the observations made by the learned Lower Appellate Court that the application had seemingly been filed only to cause delay in the decision of the appeal pending before it.

As a sequel to the above, the instant petition being devoid of any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

28.02.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No