

In the High Court of Punjab and Haryana at Chandigarh

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CRR- 535 of 2023

Date of Decision: 24.02.2023

Manish

---Petitioner

versus

The State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jayoti Parshad Sharma, Advocate
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition, is seeking setting aside of order dated 06.02.2023 whereby Judicial Magistrate Ist Class, Karnal, has dismissed application of the petitioner under Section 311 Cr.P.C. seeking permission to submit pen drive.

Learned trial Court vide impugned order dated 06.02.2023 has dismissed application of the petitioner under Section 311 Cr.P.C. seeking permission to submit pen drive on the ground that it is not supported with affidavit qua Section 65B of Indian Evidence Act and petitioner has not submitted said pen drive during the course of investigation.

Learned counsel for the petitioner submits that petitioner has right to lead his evidence which may be documentary or oral evidence. The pen drive is defence evidence, thus, he has right to

produce pen drive in the form of defence evidence.

On being asked whether defence evidence has started or stands closed, learned counsel for the petitioner submitted that defence evidence has till date not started.

The petitioner has every right to lead evidence in support of his defence. As defence evidence, as stated by learned counsel for the petitioner, has not started, the petitioner would certainly get opportunity to produce documentary as well oral evidence at the time of defence evidence.

In view of the above, no order is warranted.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No