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

CRM-M-51936-2023

Date of decision : 13.10.2023

Lachman Dass @ Laxman Dass

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Diwan S. Adhlakha, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. Present petition is directed against order dated 18.08.2023 passed by SDJM, Sub Division Bilaspur (Annexure P-7), whereby on the application filed under Section 311 of the Code by the accused/complainant-the present petitioner has been directed to come up on 29.08.2023 to reappear as CW1 and produce original documents pertaining to Ex. C1 to Ex. C20.

2. Counsel for the petitioner while assailing the order submits that the trial Court erred in noticing that the original documents were not produced on the day the complainant was summoned. Reference is being made to statement made by the complainant on 12.01.2018 when he was cross-examined wherein it has been written that Ex. C10 to Ex. C17 have been seen and returned. Apart from that counsel for the petitioner has referred to the concluding para of the order which reads as under:-

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“xx xx xx

Now to come up on 29.08.2023 for payment of costs and for appearance of complainant as CW1 in the present case and also production of original documents Ex. C1 to Ex. C20 on the case file.”

3. Counsel further submits that the relief granted vide impugned order is beyond the prayer made in the application. The petitioner was being sought to be re-examined and to produce original documents admitted in evidence as Ex. C10 to Ex. C20, whereas the trial Court has asked him to produce the original documents Ex. C1 to Ex. C20.

4. I have heard counsel for the petitioner and have gone through the records of the case.

5. Petitioner is a complainant and admits that all the original documents are in his possession. Admittedly documents marked as Ex. C1 to Ex. C20 are subject matter of trial and the complainant definitely is obliged to produce the originals of the same. Even if the statement of the complainant on 12.01.2018 is perused, the same also shows that it is only Ex.C10 to Ex. C17 which were produced and there is a note that the same were seen and returned.

6. Counsel for the petitioner though is right to the extent that the application ought not have been accepted qua documents marked as Ex.C1 to Ex. C10. However, so far as documents Ex.C10 to Ex. C20 are concerned, this Court does not find that any prejudice will be caused to the complainant if he is called to bring the original documents of the same. So far as the plea with respect to the present application being a ploy to delay the trial is concerned, the same can be taken care of by

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directing the trial Court to conclude the trial expeditiously, preferably, within a time bound manner.

7. Resultantly, the present petition is partly accepted to the extent that the order dated 18.08.2023 (P-7) impugned in the present petition shall be read as a direction to the petitioner to produce original documents Ex.C10 to Ex. C20 and not Ex.C1 to Ex. C20.

8. With the aforesaid modification, the present petition is disposed off with further directions to the trial Court to conclude the trial which is pending for last 06 years within a period of 06 months from the date of receipt of certified copy of this order.

9. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

13.10.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No