

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11569-2024
Date of decision: 05.03.2024

DALBIR SINGH AND ANRPetitioners

Versus

PUNJAB AGRO FOODGRAIN CORP LTD AND ORSRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kulwinder Singh, Advocate and
Ms. Srishti Shukla, Advocate for the petitioners.

Mr. Anupam Singla, Advocate for respondent No.1.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed assailing order dated 16th of January, 2024 passed by JMIC, Patiala whereby application filed by the complainant under Section 311 Cr.P.C. seeking permission to tender the photocopy of the power of attorney dated 22nd of October, 2011 executed by the accused firm in favour of one of its Managing Partner by way of additional evidence, has been allowed.

2. Assailing the order counsel for the petitioners has raised two fold submission. Referring to Para No.1 of the order he submits that despite the fact that the Code does not provide for amendment, the application under Section 311 of the Code was allowed to be amended w.r.t. the date in the said application. Secondly, he submits that the complainant has been allowed to produce photocopy of the power of attorney by way of additional affidavit.

3. I have heard counsel for the petitioners and have gone through records of the case.
4. So far as the first submission raised w.r.t. amendment of the application is concerned i.e. formal amendment w.r.t. the date of the document which was wrongly mentioned as 24th of September, 2010 instead of 22nd of October, 2011. Thus, in the considered opinion of this Court, the correction of the date by way of amendment is inconsequential and the same cannot lead to setting aside of the order. So far as the second submission raised by counsel for the petitioners is concerned, it is settled law that while deciding upon application filed under Section 311 of the Code, the Court has to consider the relevance of the document(s). So far as the admissibility thereof and the mode of proof is concerned, the same shall be adjudicated at the time the document/evidence is tendered.
5. In view of above, this Court is of the view that at the time of tendering of the evidence the petitioners would be within their right to object to the admissibility of the documents and is sanguine that the Trial Court shall consider the same and shall decide in accordance with law.
6. Consequently, the present petition is dismissed.

March 05, 2024
Dpr

(Pankaj Jain)
Judge

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