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

**CRM-M-31175-2017 (O&M)
DATE OF DECISION: 06.09.2024**

AMAR KUMAR

...PETITIONER

Versus

STATE OF PUNJAB AND ORS.

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mehar Sachdev, Advocate with
Mr. Mandeep Singh Sachdev, Advocate
for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.
Mr. K.D.S. Hooda, Advocate for respondents No. 2 and 3.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C for quashing the impugned order dated 05.04.2017 (Annexure P-1) passed by JMIC, Bathinda and order dated 15.07.2017 (Annexure P-2) passed by Addl. Sessions Judge, Bathinda whereby the application filed by the petitioner under Section 311 Cr.P.C. has been dismissed by the JMIC, Bathinda and the revision filed against the order dated 05.04.2017 by the petitioner being the complainant was also dismissed by Addl. Sessions Judge, Bathinda in case FIR No.37 dated 06.05.2007 under Sections 406/34 IPC registered at Nathana, District Bathinda.

Learned counsel for respondents No. 2 and 3 submits that instead of seeking an opportunity under Section 311 Cr.P.C., the



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petitioner *per se* always had the liberty to produce documents after post the permission of the Trial Court.

He further submits that the documents were considered to be irrelevant for which the application under Section 311 Cr.P.C. was dismissed by the Trial Court.

Learned counsel for the petitioner seeks withdrawal of the instant petition at this stage, in view of the afore-said concession as has been recorded by this Court, however, he seeks liberty to move any necessary and appropriate application before the Trial Court.

Dismissed as withdrawn with liberty as prayed for.

The Trial Court is directed, if such an application is moved by counsel for the petitioner, the same shall be decided preferably within one week from the date of filing of the application. The question of relevancy of the document sought to be produced is left open to be adjudicated by the Trial Court in its own wisdom.

(SANDEEP MOUDGIL)
JUDGE

06.09.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>