

... Petitioners

Versus

...Respondent

Present: Mr. Namit Khurana, Advocate for the petitioners.

ANOOP CHITKARA, J.

Criminal Complaint No.	Section(s)
NACT/3525/2019 dated 24.09.2019	138 of Negotiable Instrument Act

Seeking quashing of impugned order dated 15.05.2024 passed in complaint given above, the petitioners have come up before this Court under Section 482 Cr. P.C..

2. The petitioners are aggrieved by the trial Court permitting the complainant to place on record certificate under Section 65-B of Indian Evidence Act, 1872.

3. The nature of order this Court proposes to pass, no notice is required to be issued to the respondent for the reasons that no prejudice is caused to the respondent.

4. After arguing for sometime counsel for the petitioner submits that he would be contented and satisfied in case he is permitted to raise all the points, at stage i.e. at argument stage that the DVR pertains to the year 2019 and a certificate could not have been given at such a belated stage in the absence of original DVR and once the DVR is available which is primary evidence, it should have been submitted and not the certificate under Section 65-B of Indian Evidence Act (Secondary Evidence).

5. On the face of it, the argument of the petitioners' counsel may be well within the legal domain. As such, the present petition is disposed of and the petitioners are permitted to raise these arguments before the trial Court at the stage of Section 351, BNSS or in final arguments.

6. The present petition is disposed of with aforesaid liberty/ clarification. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.07.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.