



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-1558-2024 (O&M)
Date of Decision:-22.08.2024

Ramkishan ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mukesh Yadav, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 05.07.2024 passed by learned Additional Sessions Judge, Narnaul whereby an application filed by the petitioner seeking permission to lead additional evidence at the appellate stage has been declined.
2. A few facts necessary to notice for disposal of the revision petition are that respondent No.2-Sumer Singh instituted a complaint under Section 138 of Negotiable Instruments Act against the petitioner with respect to dishonour of cheque bearing No.560634 dated 07.03.2018 for an amount of Rs.4,50,000/-.



3. The petitioner was tried by the Court of learned Judicial Magistrate 1st Class, Kanina and was held guilty vide judgment dated 16.12.2023. Aggrieved by the said judgment, the petitioner preferred an appeal in the Court of Sessions. During the course of the said appeal, the petitioner moved an application dated 03.07.2024 (Annexure P-3) seeking permission to examine one Rampal and also to get a writing with respect to the cheque in question proved from the aforesaid Rampal. Learned Appellate Court considered the application and finding no ground to accept the same, dismissed the same vide impugned order dated 05.07.2024.
4. Learned counsel for the petitioner submits that the Appellate Court has deprived the petitioner of a chance to establish its case and that in case the petitioner is granted opportunity to examine Rampal, he would be able to establish that the cheque in question was in fact a security cheque which has been misused. It has been submitted that there is no absolute bar against leading additional evidence and that in case the evidence is such which goes to the root of the case, the Appellate Court can always grant permission to lead additional evidence. Learned counsel submits that the trial Court has however, not considered the material aspects of the case and has erroneously declined the application.
5. This Court has considered the aforesaid submissions.
6. Before proceeding further, it is apposite to refer to the grounds setup in the application dated 03.07.2024 (Annexure P-3), moved by the petitioner



seeking permission to lead additional evidence. Para No.3 of the said application is extracted herein under:

“3. That the above applicant Ramkishan had given Rs. 1,00,000/- to Rampal son of Shri Balwant Singh resident of village Mohanpur, Tehsil Kanina, District Mahendergarh, Which was to be given to Sumer Singh son of Shri Sahiram caste Ahir resident village Nangal Mohanpur Tehsil Kanina District Mahendergarh in lieu of cheque number 560634 which amount Sumer Singh had received from Rampal in the year 2018. The written document bears the signatures of Sumer Singh and Ramphal. Which was given in writing to Ram Kishan by Ram Pal son of Shri Balwant Singh resident of village Mohanpur tehsil Kanina district Mahendergarh. Due to which the applicant wants to get some important written documents and the testimony of Rampal son of Shri Balwan Singh resident of Mohanpur Tehsil Kanina District Mahendergarh recorded in the court.”

7. Interestingly, in the statement recorded under Section 313 Cr.P.C. the petitioner never setup the ground that the cheque in question was in fact given with respect to an amount of Rs.1 lakh given by the petitioner to one Rampal. Still further although in the application it is specifically written that a writing was made which bears the signatures of Sumer Singh, but a perusal of the writing (Annexure P-4) shows that the same bears signatures of one Rampal and one Surinder Singh son of Sher Singh and does not bears signatures of Sumer Singh. In any case, no reason is forthcoming as to why the evidence, now sought to be led at appellate stage, could not be led during the course of trial. Additional evidence cannot be permitted to be led just on mere asking. In the absence of any valid reason and a valid justification for



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not having led the evidence during the trial, no ground can be said to be made out to permit the petitioner to lead additional evidence. As such, this Court does not find any infirmity in the impugned order and the same is upheld.

8. Finding no merit in the revision petition, the same is hereby dismissed.

22.08.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No