



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

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CRM-M-44960-2024(O&M)
Date of Decision : **September 11, 2024**

Vineet Khanna

.....Petitioner

VERSUS

The Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.P.S.Duggall, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Advocate for the respondent-CBI.

KULDEEP TIWARI, J.

CRM-36506-2024

1. Allowed, as prayed for.

Main case

2. Through the instant petition filed under Sections 482/483 Cr.P.C., prayer is made for setting aside the order dated 14.8.2024 (Annexure P-7) passed by the learned trial Court concerned in case FIR No. RC BD-1/2010/E/0009, under Sections 120-B, read with sections 420, 467, 468, 471 and substantive offences, PS-BS & FC, New Delhi (CNR No.PBSA03-001155-2017 as mentioned in the order).

3. At the present stage of trial i.e. recording of statement under Section 313 Cr.P.C., the present petitioner, who is facing trial in the FIR (supra), has filed an application under Section 67 of the Indian Evidence Act,

read with Section 65 of BSA of 2023 for de-exhibiting the photocopies, which according to the petitioner, have been wrongly exhibited during the trial. The application was dismissed by the learned trial Court concerned, vide order dated 14.8.2024, with the observations that the petitioner-accused has right to challenge their admissibility of exhibited documents, at the time of final arguments before the judgment is passed, which has caused grievance to the present petitioner and propelled him to file the instant petition under Section 482/483 Cr.P.C. seeking quashing of the order (Supra).

4. Learned counsel for the petitioner submits that the various photocopies i.e. Exs.18/4 to 18/11, which include audit reports of Shri Ganesh Mills, as well as balance sheets marked as Exs.18/5 and 18/17, being photocopies, which otherwise, are not admissible, without producing the original documents, however, they were wrongly exhibited by the Public Prosecutor during the examination of the prosecution witnesses and the original documents have never seen the light of the day, therefore, in the absence of original documents, these photocopies could not have been exhibited.

5. Learned counsel for the CBI has opposed the submissions made by the learned counsel for the petitioner and submits that there is no infirmity in the order of the learned trial Court concerned, as liberty was reserved in favour of the petitioner-accused, to raise the issue of admissibility of such document at the time of final arguments.

6. This Court has considered the rival submissions made by the learned counsel for the parties concerned and find no merit in the instant petition.



7. First of all, there is no provision under Cr.P.C., under which the application for de-exhibiting of some documents can be filed. Secondly, its a trite law, that merely exhibition of any document would not *ipso-facto* convert the same admissible in the eyes of law. The admissibility and probative value of any exhibited document shall always be examined by the learned trial Court concerned, at the time of passing the final judgment. Therefore, the instant application filed before the learned trial Court concerned is infact, a misconceived motion. It is always open for the petitioner to raise the admissibility of such document, at the time of final arguments before the learned trial Court concerned. Therefore, the impugned order is not required any interference. The same is upheld, however, liberty is granted to the petitioner to raise his grievance, as raised before this Court at the time of final arguments.
8. In view of the above, the instant petition is ordered to be **Disposed** of with aforesaid liberty.

September 11, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No