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

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Date of decision: 12th December, 2024

Raj Kamal

...Petitioner

Versus

M/s Darshan Lal Chetan Kumar

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Piyush Setia, Advocate for the petitioner.

MANISHA BATRA, J (ORAL):-

The petitioner is seeking quashing of order dated 22.10.2024, passed in criminal appeal No. 152 of 2017 titled as 'Raj Kamal Vs. Darshan Lal', pending before the Court of learned Additional Sessions Judge, Fazilka, whereby an application moved by the petitioner for granting him permission to place on record certain documents by way of additional evidence had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the respondent-complainant had filed a complaint under Section 138 of Negotiable Instruments Act, 1881 (for short 'NI Act') against the present petitioner. Vide judgment dated 28.02.2017, the petitioner had been held guilty and convicted for commission of aforementioned offence and was sentenced to undergo simple imprisonment for a period of two years



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and to pay a fine of Rs. 2,000/-. He has filed aforementioned appeal challenging the order dated 28.02.2017, which is pending since 24.03.2017. He filed an application under Section 311 of Cr.P.C. seeking permission to produce by way of additional evidence certain documents. The said application had been dismissed by the First Appellate Court. A revision petition bearing No. CRR-1812-2022(O&M) was filed by the petitioner before this Court, which was dismissed on 09.03.2023. The petitioner again filed an application seeking the same relief which was dismissed by the learned First Appellate Court by passing the impugned order dated 22.10.2024. Certain observations made by learned First Appellate Court while dismissing the application of the petitioner, which are relevant are reproduced hereunder:-

“The application has been opposed by learned counsel for the complainant-respondent. Now the perusal of the file reveals that the complaint in hand titled as Darshan Lal Versus Ram Kamal was filed by the complainant-respondent Darshan Lal in the year 2013 and the same was decided by the trial Court vide impugned judgment dated 28.02.2017 in which the appellant was convicted with the sentence to undergo imprisonment for two years S.I. alongwith fine of Rs. 2,000/- and to undergo further imprisonment for one month in default of the payment of the fine. Thereafter, the appeal in hand was preferred on 24.03.2017. Thereafter, the file remained pending for long and ultimately years to lead additional evidence on 21.05.2022. (more than five years after the filing of the appeal). The said application was dismissed on 30.05.2022 by the then Additional Sessions Judge, Fazilka holding that the



said application was filed by the appellant through his counsel without placing on record any copy of the document sought to be tendered by the way of additional evidence. Then the appellant approached the Hon'ble High Court wherein, the opportunity was granted to him to file fresh application alongwith the documents sought to be placed on file. Now vide this application the number of documents have been sought to be tendered as referred above. Apparently, the close perusal of the application in hand would reveal that it has been simply mentioned that "appellant in order prove the case wants to submit certified copies of the documents as mentioned above". No specific reason has been mentioned as to how the plethora of the documents referred above are relevant for the decision of this case. Apparently, without connecting the documents with the present matter and further showing their relevancy for the purpose of decision of the matter in hand, the application seemingly is meritless and appears to have been filed to delay the already much delayed appeal in hand. The appellant remained silent for the years after filing the appeal and now when the matter has come up for final disposal, the appellant has come up with the application to further complicate and delay the same. In view of the above discussion, the application in hand being totally meritless as well as apparently a tool to linger on the matter is hereby dismissed."

On a perusal of the record as well as the impugned order, I am of the considered opinion that the impugned order does not warrant any interference at all as the same is well reasoned and has been passed by the learned First Appellate Court after taking into consideration all the material facts and circumstances. It is clear that the petitioner is trying to misuse the process of law by trying to linger on with the appeal obviously with a



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purpose to postpone his sentence, which has been awarded to him by the learned trial Court. As such, finding no grounds to allow the petition, the same is ordered to be dismissed.

[MANISHA BATRA]
JUDGE

12th December, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |