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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1752/2023 & CRL.M.A. 6704/2023**

RAGINI LAL

.....Petitioner

Through: **Mr. Hemant Gulati and Mr. Shobit,**
Advts.

versus

STATE, NCT OF DELHI

.....Respondent

Through: **Mr. Nawal Kishore Jha, APP for State**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.07.2024

1. By way of the present petition, the petitioner seeks to assail order dated 02.02.2023 as well as order dated 20.02.2023 whereby the petitioner/complainant's applications filed under Section 311 Cr.P.C. was dismissed by the learned Metropolitan Magistrate.
2. The petitioner has filed the subject application in proceedings initiated by her in a complaint case filed under Sections 499 and 500 IPC. The application came to be rejected primarily for the reason that the proceedings have reached the stage of recording statement of accused under Section 313 Cr.P.C. and the matter was listed for final arguments.
3. Vide the aforesaid application, the petitioner had intended to bring on record the reply filed by the respondent in allied proceedings under Section 26 of the HMA where the respondent had disputed the paternity of the child. The petition has been resisted by the learned counsel for the respondent, who further contends that the reply filed by the respondent was always in knowledge of the petitioner when he filed the present application.



4. I have heard the learned counsel for the parties.
5. The plain reading of Section 311 Cr.P.C. reflects that the same provides recourse to section at any stage of the trial. Vide the subject application, the petitioner has sought to place judicial record in the form of reply filed by the respondent in the proceedings pending between the parties under HMA. Fair trial is the hallmark of criminal procedure. It is the duty of the criminal court to ensure that fair and proper opportunity is granted to the parties to adduce evidence for the just decision of the case. Such adducing of evidence by them is a valuable right. In *Natasha Singh v. CBI* reported as (2013) 5 SCC 741, the Supreme Court has observed:-

“16. Fair trial is the main object of criminal procedure, and it is the duty of the court to ensure that such fairness is not hampered or threatened in any manner. Fair trial entails the interests of the accused, the victim and of the society, and therefore, fair trial includes the grant of fair and proper opportunities to the person concerned, and the same must be ensured as this is a constitutional, as well as a human right. Thus, under no circumstances can a person’s right to fair trial be jeopardized. Adducing evidence in support of the defence is a valuable right. Denial of such a right would amount to the denial of a fair trial. Thus, it is essential that the rules of procedure that have been designed to ensure justice are scrupulously followed, and the court must be zealous in ensuring that there is no breach of the same.”

6. Considering that the underlying complaint relates to an offence under Sections 499 and 500 IPC and that the reply filed by the respondent in the allied proceedings may have a bearing on the outcome of the trial and the fact that denying the petitioner the opportunity to produce the same would gravely prejudice her case, this Court finds no impediment in allowing the petition.



7. The petition stands disposed of in above terms.

MANOJ KUMAR OHRI, J

JULY 25, 2024/ns