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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2032/2024**
UPENDER SINGH Petitioner

Through: Mr.Vivek Sood, Sr. Adv. with
Mr.Alok Kumar Pandey,
Mr.Mohit Kumar, Ms.Taruna
Varma, Ms.Muskaan Dewan,
Mr.Kunal Prakash, Mr.Sekhhar
Sharma, Advs.

versus

THE STATE Respondent
Through: Ms.Priyanka Dalal, APP with
Insp. Harish Chandra.
Mr.Dharmendra Tyagi,
Mr.J.S.Tuli, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.03.2024**
CRL.M.A. 7829/2024 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2032/2024 & CRL.M.A. 7828/2024

2. This petition has been filed challenging the Order dated 31.01.2024 passed by the learned Chief Metropolitan Magistrate Central District, Tis Hazari Courts, Delhi (hereinafter referred to as the 'Trial Court') in Criminal Case no.287760/2016, titled *State v. Upender Singh Etc.*, by which the learned Trial Court has dismissed the application filed by the petitioner herein, who is the accused in the said case, seeking to de-exhibit the documents- Ex.PW1/A and PW1/B, that is, the certified copy of



the receipt for Rs.9 lacs dated 29.06.1988 and the certified copy of the Will dated 29.06.1988, respectively.

3. The said documents were exhibited as Ex.PW1/A and PW1/B during the statement of the PW-1, Sh.Deepender Singh recorded before the learned Trial Court on 12.09.2022.
4. The learned senior counsel for the petitioner submits that due to the inadvertence of the earlier counsel then representing the petitioner before the learned Trial Court, the objections regarding the admissibility of the said documents were not taken before the learned Trial Court and the documents were allowed to be exhibited. He submits that upon realising this mistake, an application for de-exhibiting these documents was filed before the learned Trial Court on 22.05.2023. He submits that the objection regarding the admissibility of these documents needs to be left open, such that it could be taken and considered by the learned Trial Court at an appropriate stage.
5. I have considered the submissions made by the learned senior counsel for the petitioner and I have also perused the Impugned Order.
6. I find from the reading of the Impugned Order itself, that the learned Trial Court has also clarified this aspect and has stated that the putting of the exhibit marks is merely for the purpose of identification of the documents and does not tantamount to the proof/admissibility of the said documents; the said documents have to be proved in accordance with law. I may quote from the Impugned Order as under:



“Be that as it may, the exhibits marks Ex.PW1/A and Ex.PW1/B are for the identification of the documents on the record. It is reiterated that mere putting of marks does not tantamount the proof of documents. Accordingly, there is no occasion to de-exhibits the document Ex.PW1/A and Ex.PW1/B.”

7. Keeping in view the above, this Court does not think that any further clarification is required.
8. The petition, along with the pending application, is disposed of.
There shall be no order as to costs.

NAVIN CHAWLA, J

MARCH 13, 2024
RN/AS

Click here to check corrigendum, if any