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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1935/2020 & CRL. MA 1712/2021
HELLMANN WORLDWIDE
LOGISTICS INDIA PVT LTDPetitioner
Through: Mr. Shalabh Singhal, Advocate.

versus

STATE & ANRRespondents
Through: Ms. Shoaib Haider, APP for State
Mr. Shrey Mehta, Advocate for
respondent no.2.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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14.10.2024

1. By way of present petition, the petitioner/complainant seeks setting aside of the order dated 10.02.2020 passed by the learned ASJ, Patiala House Courts, New Delhi in Criminal Revision Petition 517/2019 titled '*M/s Hellman Worldwide Logistics India Pvt. Ltd. v. Puneet Chandok*' vide which the petitioner's application filed under Section 311 Cr.PC to place on record the additional documents in the nature of invoices as well as proof of earlier payments made by the respondent No.2/accused, was rejected.
2. Notably, the present proceedings arise in the context of a complaint pending before the Trial Court preferred by the petitioner/complainant under Section 138 NI Act against the respondent No.2/accused.
3. Learned counsel for the petitioner submits that the present petition is premised on the ground that the subject cheque was issued against an invoice dated 13.08.2012 and against which, the respondent No.2 had also



made part payments. The subject cheque was issued only for the remaining amount. It is further stated that the aspect of invoice also finds mention in the underlying complaint.

4. The petition is resisted by learned counsel for the respondent No.2, who submits that despite being aware of the invoice, the petitioner has chosen not to file the same along with the list of documents and allowing the said application under Section 311 Cr.PC would lead to further delay in the trial. It is further stated that the matter is at the stage of final arguments.

5. The Courts have time and again set out the parameters of exercising powers under Section 311 Cr.P.C. A plain reading of Section 311 Cr.P.C. reflects that the same provides recourse to the section at any stage of the trial. 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 is a valuable right. In regard to this, 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. A perusal of the paper book would show that the underlying complaint mentions that the subject cheque was issued against the aforesaid invoice. Even though the matter is at the stage of final arguments, Section 311 Cr.P.C. stipulates that the application can be preferred at any stage of the trial. Considering that the stand of the petitioner/complainant in the trial is that the subject cheque was issued against the aforesaid invoice, placing of the said invoice as well as the proof of previous payments on record vide the said application filed under Section 311 Cr.P.C. would be just and required for the proper disposal of the case. The respondent shall be at liberty to cross examine the petitioner.

7. For all of the aforementioned reasons, the petition is allowed, subject to the cost of Rs.2500/- to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: UCO BANK, Branch: Rouse Avenue, IFSC: UCBA0003364) by the petitioner within a period of four weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

8. Keeping in view that the complaint pertains to the year 2013, the Trial Court may also make an endeavour to expedite the trial. The parties are at liberty to make a request to the Trial Court in this regard. In case the respondent No.2 also seeks to place any additional documents on record, the Trial Court shall consider the same in accordance with law.

9. The petition is disposed of in above terms along with pending application.

MANOJ KUMAR OHRI, J

OCTOBER 14, 2024/rd