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

+ **W.P.(CRL) 4035/2024 CRL.M.A. 38906/2024**

AMRIT KAUR

.....Petitioner

Through: Ms. Reema Roy and Mr. Amod Kumar
Mishra, Advocates.

versus

BALJEET SINGH & ORS.

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma, Mr. Nikunj
Bindal, Advocates W/SI Vaishali.
Mr. Anurag Jain, Adv for R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

23.12.2024

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CRL.M.A. 38907/2024 (Exemption)

1. Allowed, subject to all just exception.
2. Application stands disposed of.

W.P.(CRL) 4035/2024

1. This petition has been filed impugning the order dated 26th November 2024, passed to JMFC, Mahila Court, Tis Hazari Court, dismissing the application filed under Section 311 Cr.P.C. read with Section 91 Cr.P.C. for placing on record four (4) sets of documents: *one*, physical copy of pen drive containing an audio recording of a call between complainant and accused no. 1 along with the transcript of the audio; *two*, a screenshot of the e-mail sent by accused no. 1 to be sent to the company where the complainant was working to resign from her post; *three*, copy of Delhi High Court Mediation



and Reconciliation Centre Child Counsellor's Report and; *four*, a copy of FSL report alongwith fake apology letter.

2. By the impugned order, the JMFC has rejected the application on the ground that these documents are being placed in order to fill the *lacuna* in the evidence already led.

3. It is submitted by counsel for petitioner that the cross-examination of the complainant/petitioner was concluded only in June 2024, though the matter is listed today at 12:00 P.M. for final arguments.

4. She has also adverted to the cross-examination recorded on 28th June 2024, wherein the petitioner/complainant stated that there are other documents that the Investigating Officer had informed her could be produced during the trial. However, she had not moved an application in this regard.

5. Counsel further stated that, petitioner's previous counsel did not guide her well to produce documents on record during trial, and she will be highly prejudiced considering that there is reliance placed by the defence on some aspects, including the purported apology letter that had been given.

6. As regards the said apology letter, it is submitted that there is an FSL report which states that the signatures on the letter do not match those of the petitioner. Therefore, in the opinion of this Court, the said document would constitute a "*fake apology letter*." These aspects are critical, at least for the complainant/petitioner to place on record. Since the cross-examination was conducted only a few months ago, no prejudice would be caused to the opposite party. Accordingly, the petition is allowed.

7. The Trial Court will allow the documents to be placed on record and fixed dates before final arguments subject to the convenience of the Trial Court.



8. Considering that the matter is already towards the end, it would be expected that the Trial Court gives proximate dates within the coming month to conclude the trial expeditiously. This was also noted in the order dated 13th October 2023 of this Court in Writ Petition (CrI.) No. 1914/2022.
9. Petition is disposed of with the above directions.
10. Needless to state, respondent/accused shall have liberty to summon any witness/lead evidence with respect to the additional documents which are being taken on record.
11. '*dasti*'
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 23, 2024/RK/tk