



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130

CRM-M-12135-2025 (O&M)
Decided on : 02.04.2025

Ravi Kiran Jain

... Petitioner(s)

Versus

Suman Jain and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Kumar, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Through instant petition filed under Section 528 of BNSS, 2023, petitioner – Ravi Kiran Jain, has challenged the impugned order dated 02.01.2025 (Annexure P-10), passed by Ld. Judicial Magistrate First Class, Rupnagar (in short, 'Ld. JMIC'), in Criminal Complaint No.COMI-5699 of 2013, under Sections 420, 406, 467, 468, 471, 120-B of IPC, 1860, titled as, "Ravi Kiran Jain v. Suman Jain and another", whereby, application filed under Section 348 of BNSS, 2023 (Section 311 of Cr.P.C.), has been dismissed.

2. On 05.03.2025, following order was passed by this Court:-

"1. Present petition has been filed under Section 528 of BNSS, seeking setting aside of the impugned order dated 02.01.2025 (P-10), passed by learned Judicial Magistrate First Class, Rupnagar in criminal complaint bearing No. COMI-5699 of 2013, under Sections 420, 406, 467, 468, 471, 120-B IPC, whereby application filed by the petitioner under Section 348 of BNSS (Section 311 of Cr.P.C.) has been dismissed.

2. Petitioner (being complainant) moved an application to prove the visually recorded version, wherein respondent/accused has confessed his guilt during the trial proceedings in the present case. Said instance has been recorded and required to be proved by playing the video clip through pendrive. Further prayer is for production of the documentary evidence i.e. the entries of municipal record and also the inquiry report given by SDM, Rupnagar, which has already been accepted. Thus, there



being a partial declining of the request in regard to the video clip recorded in the pendrive, petitioner is before this Court.

Learned counsel for the petitioner prays for some time to search some case laws.

Adjourned to 02.04.2025.”

3. On hearing and considering the aspect that the prayer for production of documentary evidence, i.e., entries of municipal record and also the inquiry report given by SDM, Rupnagar, which has already been accepted by the Trial Court, and the plea in regard to the video clip recorded in the pendrive, is insincere, the same has been dismissed.

4. I have gone through the reasons assigned in the impugned order and do not find any substantial reason to disagree with the same. Additionally, this Court cannot ignore the fact that the confession upon which the petitioner relies upon, would not be of any consequence until same has been duly proved in the Court of law, as per the provisions of the Indian Evidence Act, 1872, and anything which is not available with the Investigating Agency or is the part of the record, would be beyond the scope of the Court to look into, at the time of the final adjudication of the trial.

5. Accordingly, finding no ground in the petition, same is hereby dismissed.

(SANJAY VASHISTH)
JUDGE

April 02, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No