



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

206**CRM-M No.2863 of 2017(O&M)****Date of decision: 01.05.2025**

Deepak Cold Drinks

... Petitioner

Versus

Kandhari Beverages Pvt. Ltd.

... Respondent

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Aditya Sanghi, Advocate and
Mr. Ashwani Bhardwaj, Advocate for the petitioner.

Ms. Monika Jalota, Advocate (Through VC)
for the respondent.

H.S. Grewal, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C., 1973 for setting aside the impugned order dated 05.12.2016 passed by learned Additional Sessions Judge, Chandigarh whereby the application filed by the petitioner under Section 391 of Cr.P.C. has been dismissed.

2. It is stated that the petitioner was convicted in Complaint No.16473 of 31.01.2011 under Section 138 of Negotiable Instruments Act, 1881 by the trial Court vide order dated 04.09.2015 to undergo rigorous imprisonment for a period of one year and to pay compensation jointly and severally with his proprietorship firm Deepak Cold Drinks, to complainant equivalent to cheque amount. Later, at the appellate stage, he made an application under Section 391 Cr.P.C. stating therein that he had to produce the bill/invoices showing that discount was provided to him. However, learned appellate Court in its order has observed that bills/ invoices had already been produced as Ex.CW1/Y and the same was admitted by the accused/petitioner during his cross-examination.



Moreover, there is no explanation as to why he could not have produced the same at the time of trial proceedings.

3. In view of above facts and circumstances, there is no infirmity in the impugned order dated 05.12.2016 passed by the Additional Sessions Judge, Chandigarh and the petitioner at the belated appellate stage, cannot be permitted to file a fresh evidence in proving or changing the narrative of his whole case.

4. Accordingly, the present petition is dismissed.

(H.S. GREWAL)
JUDGE

01st May, 2025

Sonia Puri

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No