

CRR-1819-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-1819-2023 (O&M)**
Reserved on : 13.11.2025
Pronounced on : 18.11.2025

Bharat Trading Company

..... Petitioner

VERSUS

Anukul

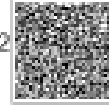
..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHArgued by: Mr. Saurabh Chawla, Advocate and
Mr. Tarun Kumar, Advocate for the petitioner.

Mr. Gurinder Singh Dhillon, Advocate for the respondent.

SURYA PARTAP SINGH, J.

1. In a trial, being conducted by the learned Judicial Magistrate First Class Dabwali (Sirsa), hereinafter being referred to as 'trial Court' only, the petitioner-complainant, hereinafter being referred to as 'petitioner' only, filed an application under Section 311 of the Code of Criminal Procedure, hereinafter being referred to as 'CrPC' only. The abovementioned application was dismissed by the learned trial Court by virtue of order dated 28.07.2023, hereinafter being referred to as 'impugned order'. Aggrieved of the impugned order, the present revision petition has been filed.

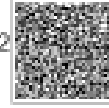


2. The abovementioned application, which is subject matter of impugned order, was filed by the petitioner under Section 311 CrPC, and a permission was sought to examine the Bank Manager of HDFC Bank, Mandi Dabwali, where the respondent-accused, hereinafter being referred to as 'respondent' only, was maintaining his account. It was alleged by the petitioner that there was a specific plea of the petitioner that it had transferred money worth Rs.3 lacs into the account of respondent. According to petitioner, in order to prove the abovementioned transaction, he wanted to examine the Branch Manager of concerned Bank.

3. The abovementioned application was opposed by the respondent primarily on the ground that it was filed with mala fide intentions at a belated stage and that the sole motive of the application was to fill-up the lacunae.

4. The learned trial Court, while dismissing the abovementioned application, has primarily founded its finding on the ground that the application under Section 311 CrPC was filed after a long delay, and that, too, when the case was fixed for defence evidence. It has also been observed by the learned trial Court that in order to prove transaction of Rs.3 lacs from its own account to the account of respondent, the proper course available to the petitioner is to prove its own statement of account.

5. Aggrieved of the abovementioned impugned order, the present petition has been preferred by the petitioner on the ground that the impugned order is an outcome of total non-application of judicial mind, and that



without proper appreciation of facts as well as relevant law, the learned trial Court has dismissed the application under Section 311 CrPC. As per petitioner, his valuable right is likely to be adversely affected, if the impugned order is not set aside. Hence the present petition.

6. Heard.

7. It has been contended on behalf of petitioner that in the complaint, there was specific plea of the petitioner that he had paid rupees three lacs on two different occasions (Rs.1.5 lakh on each occasion), and that factum of transfer of abovementioned money from the account of petitioner into the account of respondent was duly recorded in the account books of the Bank. As per learned counsel for the petitioner, the abovementioned evidence, which is a part of public record, is very relevant and important to prove the transaction between the petitioner and the respondent, but the learned trial Court, merely on the ground of technicalities, dismissed the abovementioned application. According to learned counsel for the petitioner, firstly no delaying tactics has been adopted by the petitioner, and secondly, in the name of technicalities, the dispensation of justice cannot be ignored by the Court.

8. *Per contra*, the learned counsel for the respondent has argued that the abovementioned application was filed with mala fide intentions just to delay the proceedings, and that the abovementioned conduct of the petitioner has been rightly deprecated by the learned trial Court by rejecting the application. As per learned counsel for the respondent, proper

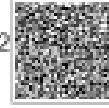


opportunity was afforded to the petitioner to prove all his pleas, and that at the time of leading evidence in affirmative, the petitioner was having opportunity to prove the abovementioned transactions with the help of his own statement of account but he failed. While defending the impugned order, it has been contended by learned counsel for the respondent that there is no illegality or infirmity in the same and that apparently the effort on the part of petitioner is to fill-up the lacunae, which is not permissible under the law.

9. The record has been perused carefully.

10. A perusal of record shows that, as recorded by the learned trial Court, the dispute between the parties is with regard to dishonour of cheque worth Rs.8 lacs, and that the complaint in question was filed in the year 2019, i.e. on 19.09.2019. It has also been observed by learned trial Court that after procuring the presence of respondent in the Court, the defence plea was recorded on 28.02.2022, and thereafter, case was adjourned on several dates for cross-examination of complainant. Subsequently on completion of complainant's evidence, the statement of accused under Section 313 CrPC was recorded on 05.08.2022, and the case was fixed for defence evidence. On the basis of abovementioned chronology of events, the learned Trial Court observed that the application under Section 311 CrPC was moved by the petitioner just to prolong the proceedings.

11. With regard to the above-discussed facts and circumstances of the present case, it is relevant to mention here that the sole ground, on which

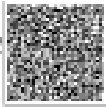


application under Section 311 CrPC was moved by the petitioner, was that the petitioner wanted to prove the transaction of Rs.3 lacs from its account to the account of respondent. With regard to above, it was rightly observed by the learned trial Court that the abovementioned transaction could have been proved by the petitioner by proving its own statement of account, as in that statement, it would have been mentioned that a sum of Rs.3 lacs has been transferred into the account of respondent. As per learned Trial Court instead of adopting the abovementioned course, the petitioner at the belated stage moved an application for proving the statement of account pertaining to the account of respondent.

12. Accordingly, it is hereby held that the course adopted by the petitioner is apparently mala fide, and otherwise also unless the explanation is given with regard to circumstances under which he could not produce the abovementioned statement of account at earlier stage, the application under Section 311 CrPC was not maintainable.

13. As a sequel to abovementioned observations, it is hereby held that the learned trial Court has rightly exercised its discretion while dismissing the application seeking for permission to lead additional evidence. Thus, there is no scope for indulgence or interference in the jurisdiction exercised by the learned trial Court.

14. In view of abovementioned discussions, it is hereby held that the present petition is devoid of merit and deserves dismissal. Accordingly, the present petition is hereby dismissed.



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15. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 18, 2025
Gaurav Thakur

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