



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

(124)

**CRM-M-46614-2025 (O&M)
Date of Decision: 28.8.2025**

Monika Battish

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anoop Verma, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The instant petition has been filed for setting aside/modification of the order dated 23.7.2025 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Patiala, in case bearing CIS No. CHI-275-2018 titled State versus Sandeep Tyagi and others, FIR No. 02 dated 13.2.2017, registered under Sections 406, 498-A IPC, at Police Station NRI Patiala, whereby an application preferred by the petitioner under Section 311 Cr.P.C. for exhibiting judicial record, has been allowed only to the extent of placing the said documents on record, and their exhibition was declined.

2. Learned counsel for the petitioner *inter alia* submits that vide impugned order dated 23.7.2025 (Annexure P-3), the learned trial Court concerned has allowed the placing on record of the certain judicial documents. However, exhibition of the said documents has been declined on the ground that the same were not certified copies, rather were only the notarized copies. It is further submitted that there is a categoric finding in the impugned order qua the said documents being material and relevant



for the just decision of the case, and that allowing the same would not cause any prejudice to the accused, yet the refusal of their exhibition, rather renders their placing on record as legally ineffective.

3. Learned counsel further submits that he restricts his prayer to the extent that the petitioner be permitted to place on record the certified copies of the documents, annexed with the application under Section 311 Cr.P.C and the trial Court be directed to exhibit the same.

4. Notice of motion to the State-respondent No. 1 only at this stage.

5. Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of the respondent-State.

6. Heard the learned counsel for the petitioner and perused the record with his able assistance. The present petition is decided in *limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court.

7. A perusal of the impugned order shows that the learned trial Court has observed that since the documents sought to be placed on record are the judicial documents pertaining to the parties *inter se*, and as such would be relevant for the just adjudication of the case, therefore, no prejudice would be caused to the accused, in case the same are allowed to be placed on record. However, the exhibition of the said documents was declined by the learned trial Court, for the reasons that they were photocopies.

8. In case, a document placed on record is not properly marked as an exhibit, it cannot be considered as evidence by the Court, which could be considered prejudicial to the party relying on it as the contents thereof cannot be used to prove a case. Even if a document is exhibited, the party who produced it, still has to prove its contents through evidence.



9. Although the impugned order does not suffer from any illegality, however, in view of the limited prayer made by the learned counsel for the petitioner and in the best interest of justice, this Court deems it appropriate to set aside the impugned order and remand back the matter to the learned trial Court concerned with the direction that in case an application is moved by the petitioner under Section 311 Cr.P.C. for exhibiting the certified copies of the judicial documents within a period of two weeks, the same be decided afresh, in accordance with law.

10. With the afore observations, the present petition stands disposed of.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 28, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No