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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55334-2024 (O&M)

Date of Decision: 11.07.2025

SXXXX

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Salil Dev Singh Bali, Advocate, for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed by the petitioner seeking the following prayer:-

*“Petition under Section 482 Cr.P.C. for quashing the Order dated 03.08.2024 passed by Ld. Addl. Session Judge, Fast Track Court, Faridabad whereby the application (**Annexure P-6**) of the petitioner for searching the Court File Documents stands dismissed in case FIR No.94, dated 23.06.2016 under Sections 120B, 342, 366, 376, 506 IPC, P.S. Women Police Station, Faridabad, District Faridabad (**Annexure P-1**) and further to direct the Ld. Addl. Session Judge, Fast Track Court, Faridabad to act upon the application so made by the petitioner and after inquiring the matter take action against the concerned persons.*

AND/OR

Any other order or direction which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case may also be issued, in the interest of justice.”



2. On 25.04.2025, this Court had directed the learned District and Sessions Judge to conduct an enquiry with regard to the grievance of the petitioner. The aforesaid order is reproduced as under:-

“In pursuance of the order passed by this Court on 08.11.2024, a report has been received from learned District and Sessions Judge, Faridabad along with the explanation given by learned Additional District & Sessions Judge, Faridabad.

A perusal of the aforesaid report would show that it is so stated by learned Addl. District & Sessions Judge that the matter was inquired into from the Ahlmad as well as from the office file and therein it was found that there were no annexures. When the application of the petitioner for supply of the copy of the annexures was dismissed, the same was based upon the records and at the same time, it has also been stated by learned Addl. District and Sessions Judge that once the petitioner himself has so stated that he has got the certified copies of the annexures then there is no need to take another certified copy.

Learned counsel for the petitioner while referring to Annexures P-8 & P-9 of the present petition which are at Page No.40, 41 & 43 of the paperbook wherein he has placed on record the application given by the petitioner with regard to seeking a copy of the annexures which according to counsel for the petitioner, was along with the application of discharge and at Page No.41 of the paperbook, it is so stated that with regard to his application No.3859 which was presented on 01.04.2022 it consisted of 227 pages and there is a stamp of the court staff and in order to co-relate the same, he also referred to Page No.43 which is again a register of the cases maintained by the court staff in which as against the aforesaid entry of 3859, it has been stated that the same has been supplied and in this way he got the aforesaid certified copy of



227 pages which were the annexures but thereafter the petitioner misplaced the aforesaid annexures and wants to apply for the same again but now for the second time it was not available.

Considering the aforesaid documents so referred to by learned counsel for the petitioner and the report of learned Addl. District and Sessions Judge, this Court is of the view that as per the aforesaid report especially pertaining to the fact that according to the explanation, once the petitioner got the certified copy then why is he wanting the same for the second time which is not justified because if a document was there on record and it is not available now then it becomes a serious issue but such kind of explanation given by Addl. District & Sessions Judge is unfounded.

In view of the aforesaid facts and circumstances, the learned District and Sessions Judge shall conduct an enquiry on the aforesaid issue and will also hear the petitioner in this regard and thereafter shall submit a report.

Adjourned to 03.07.2025.

A copy of this order be sent to learned District and Sessions Judge, Faridabad.”

3. A report has been received from the learned District and Sessions Judge, Faridabad dated 01.07.2025, which has been perused by this Court. During the course of hearing, learned counsel for the petitioner has also perused the aforesaid enquiry report.

4. Learned counsel for the petitioner submitted that the grievance of the petitioner was that on 16.03.2022, she had submitted written arguments/submissions along with annexures and also an application for her discharge at the time of consideration for framing of charges. Thereafter, she applied for certified/uncertified copies of the aforesaid



submissions along with annexures which was supplied to her but thereafter she lost the annexures and again applied for the same but the same were not given to the petitioner on the ground that they were not available on the file. He submitted that the aforesaid documents were important for the petitioner for her defence and therefore, she filed an application for getting the copies of the aforesaid documents. The aforesaid application was rejected by way of impugned order (Annexure P-7) on the ground that as per the report of the Ahlmad, no such document was placed on record by the petitioner who is an accused. After a direction was issued to the learned Sessions Judge to conduct an enquiry by associating the petitioner, the learned Sessions Judge conducted the enquiry in which various witnesses were examined and the petitioner was also given an opportunity and was also heard. In the enquiry, the Examiner of the Coping Agency, Sessions Court, Faridabad, Ahlmad of the Court of learned Additional Sessions Judge, Faridabad, the present petitioner, the learned Advocate who is the former counsel of the present petitioner, Reader Gr.III who was earlier posted as Ahlmad in the Court of learned Additional Sessions Judge, Faridabad where the trial was being conducted and a Translator of the Court of learned Additional Sessions Judge, Faridabad were examined and on the basis of the aforesaid enquiry being conducted, it was reported by the learned Sessions Judge that the zimni orders dated 16.03.2022 and 23.03.2022 do not reflect moving of any application for discharge or written submissions/arguments by the petitioner and nothing is reflected in the aforesaid zimni orders. It was the case of the learned counsel for the petitioner that on the aforesaid date i.e. on 16.03.2022, when the matter was fixed for consideration for framing of



charges, the written submissions alongwith annexures were submitted before the Court but as per the report of the learned Sessions Judge, no such zimni order or any such kind of order has been passed in this regard.

5. However, at the same time, the learned Sessions Judge also reported that *prima facie* some documents were filed in the instant case on behalf of the petitioner-accused as it is evident from her testimony as well as from document Mark-A i.e. photocopy of the application form for supplying of certified copy bearing Sr. No.3859 dated 01.04.2022 and the copies of total 227 pages (10 pages of certified and remaining 217 pages of uncertified) of all the documents were supplied by the Copying Agency, Sessions Court, Faridabad on the same day i.e. on 01.04.2022, although the zimni orders dated 16.03.2022 and 23.03.2022, do not mention the filing of the discharge application or written submissions /arguments along with annexures on behalf of accused-petitioner. The learned Sessions Judge also reported that on the aforesaid two dates i.e. on 16.03.2022 and 23.03.2022, it cannot be said that no such documents were ever filed in the instant case because some copies were supplied by the Copying Agency to the petitioner. In this way, the learned Sessions Judge was of the view that although nothing was reflected in the zimni orders with regard to placing on record, taking on record or even reference to the aforesaid application for discharge or written submissions/arguments along with annexures but at the same time since some copies were issued by the Copy Branch, it appears *prima facie* according to the learned Sessions Judge that some documents were filed by the petitioner.

6. Learned Sessions Judge after considering the aforesaid facts and



circumstances had directed the issuance of charge-sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 against the Ahlmad of the Court who was found *prima facie* responsible for loss/missing of documents in question being custodian of case file with a further direction to the learned trial Court for reconstruction of documents in question from all available sources at the earliest possible. The operative part of the report of the learned Sessions Judge contained in Para No.13 and 14 are reproduced as under:-

“13. From the case file as well as testimony of the aforesaid officials/persons, prime-facie it is observed that some documents were filed in the instant case on behalf of petitioner(accused) as it is evident from her testimony as well as document Mark A i.e photocopy of application form for supplying of certified copy bearing Sr. No.3859 dated 01.04.2022 of documents i.e copy of written submissions /arguments, copy of all annexures and copy of call conversations dated 28.04.2016, 28.05.2016 and 04.06.2016 vide which the copies of total 227 pages (10 pages of certified and remaining 217 pages of uncertified) of all the documents were supplied by the Copying Agency, Sessions Court, Faridabad on the same day i.e 01.04.2022. Though, as per zimni orders dated 16.03.2022 and 23.03.2022, nothing is mentioned regarding filing of discharge application or written submissions/arguments alongwith annexures on behalf of accused-Sunita but merely on the basis of non mentioning of factum of filing of such documents in the zimni orders dated 16.03.2022 and 23.03.2022, it can not be said that no such documents were ever filed in the instant case as certified copies of such documents was issued by the Copying Agency, Sessions Courts, Faridabad on 01.04.2022. Moreover, a perusal of photocopy of written submissions/arguments dated 16.03.2022



(certified copy which was issued on 01.04.2022) produced during the course of enquiry reveals that accused-petitioner had sought her discharge in the present case but no separate application for discharge of accused was filed. No certified copy of any such discharge application was sought by the petitioner vide application No.3859 dated 01.04.2022. Hence, missing of documents in question firstly surfaced on 29.07.2024 when petitioner had moved an application for tracing out the documents in question and thereafter on 30.07.2024 as per report submitted by the concerned Ahlmad. As such, Sh. Raju Kumar (now Criminal Ahlmad in the Court of Ld. Addl. Sessions Judge, Faridabad), is prima-facie responsible for the loss/missing of documents in question being custodian of case file at the time when application for tracing the same was filed, because as per Rule 1 of Part D, Chapter 16 of High Court Rules and Orders Volume IV, Ahlmad is prima-facie responsible for safe custody of the records. Hence, charge sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 is being issued to him for his negligence in discharge of his official duties which resulted into loss of judicial record. Separate directions have also been passed to the Ld. Trial Court for reconstruction of documents in question from all available sources, at the earliest possible.

14. After going the entire record and circumstances, it has also been observed by the undersigned the petitioner has not come with clean hands as she has only produced photocopy of certified copy of written submissions/arguments (containing 09 pages out of bunch of total 227 pages which was received by her from the Copying Agency on 01.04.2022) but she may have certified/photocopy copies of all documents. It appears that she has intentionally not produced the photocopy of remaining documents or original certified copy just to delay the trial of present case. The conduct of both the accused including petitioner is also not good as they are intentionally delaying



the matter by moving several applications.

The photocopies of application under section 91 Cr.P.C. moved by the petitioner on 26.07.2024, her RTI application dated 10.06.2025 as well as statements of aforesaid officials/persons and documents produced by them are annexed herewith for your kind perusal.”

7. Learned counsel appearing on behalf of the petitioner submitted that the prayer in the present petition is for issuance of a direction to the learned trial Court to act upon the application made by the petitioner for supply of copies of documents and after conducting an enquiry to take action against the concerned responsible. He further submitted that as per the report of learned Sessions Judge, a charge-sheet has been issued against the Ahlmad and so far as the documents required by the petitioner are concerned, the directions have been issued for reconstruction of such documents and therefore, no further orders are required to be passed in the present case since an enquiry has been conducted by the learned Sessions Judge and reported to this Court.

8. Learned counsel for the petitioner however submitted that there are observations made by the learned Additional Sessions, Faridabad vide impugned order dated 03.08.2024 (Annexure P-7) against the petitioner whereby her application was declined and therefore, the aforesaid observations be not acted upon against the petitioner especially in para No.5 of the impugned order. He further submitted that even in the enquiry report submitted by the learned Sessions Judge in the last paragraph, there are some observations against the petitioner which would prejudicially affect her and therefore, they may not be acted upon.



9. After hearing the learned counsel for the petitioner and perusing the enquiry report, this Court is of the considered view that no further orders are required to be passed on the prayer made by the petitioner in the present case and even to that extent the learned counsel for the petitioner has also so submitted that no further direction can be issued at this stage because disciplinary proceedings against the Ahlmad have been initiated. However, this Court is of the considered view that directions are required to be issued to the concerned Authority to complete the enquiry as expeditiously as possible and preferably within a period of six months from date of receipt of copy of this order. Apart from the above, it is also directed that so far as the impugned order (Annexure P-7) is concerned, after conducting the enquiry by the learned Sessions Judge, the same has already been rendered otiose and therefore, if any observations have been made against the petitioner with regard to her conduct, the same will remain inoperative. So far as the observations made by the learned Sessions Judge in the last paragraph of the enquiry report are concerned, it is directed that the same would not have any bearing or any adverse impact on the merits of the case/trial.

10. At this stage, learned counsel for the petitioner has stated that the petitioner may be also granted liberty to take all the legally permissible pleas available to her in accordance with law at the time of trial before the learned trial Court.

11. This prayer of the petitioner is justified. Needless to say that the petitioner who is an accused is always at her liberty to raise any legally permissible pleas which are available to her strictly in accordance with law at an appropriate stage before the appropriate Court.



- 12. In view of the above, the present petition is disposed of.
- 13. Copy of this order be sent to the Sessions Judge, Faridabad.

11.07.2025

(JASGURPREET SINGH PURI)
JUDGE

rakesh

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