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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1864/2025 & CRL.M.A. 8445/2025**

HARISH BINDAL

.....Petitioner

Through: Mr. Shashank Rai, Mr. Jeevesh Bindal, Ms. Anushi Agrawal, Ms. D. Wahi and Mr. Saurabh Kumar Pandey, Advocates.

versus

JAY SWITCHES PVT LTD & ORS.

.....Respondents

Through: Mr. Hrishikesh Baruah, Ms. Radhika Gupta, Mr. Utkarsh Dwivedi and Mr. Anurag Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.03.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 8444/2025 (exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CRL.M.C. 1864/2025 & CRL.M.A. 8445/2025 (Expeditious Disposal)

3. The present petition under Section 528 of the BNSS (Section 482 of the CrPC) seeks following prayers: -

“a. Set aside/Expunge the “Objection disallowed” remark of the Ld. Trial Court from the statement dated 10.03.2025 of the DW 3 Ashok Kumar (ANNEXURE P-1) and/or,

b. Modify, Correct & Reconcile the “Objection disallowed” remark of the Ld. Trial Court to mean that the Legal Objections on relevancy raised by the Petitioner in the statement dated 10.03.2025 of the DW 3 Ashok Kumar would be considered at the time of final adjudication, and/or

c. Pass any such further order(s) as this Hon'ble Court may deem fit and



proper in the facts and circumstances of the case.”

4. Learned counsel appearing on behalf of the petitioner/complainant submits that the objection taken on behalf of the latter at the time of the production of documents by DW-3 was disallowed and the same would come in the way of their taking objection with regard to the relevancy of the document exhibited by the said witness. Relevant portion of the impugned observation made by the learned Trial Court along with the testimony of DW-3 reads as under:-

**“DW- 3 Statement of Sh. Ashok Kumar, Office Superintendent, ITAT, Delhi Bench, New Delhi
ON SA**

I have appeared upon receiving the process of the court. I have brought the summoned record i.e. certified copy of order dated 10.11.2015 in ITA No. 6727/DEL/2014 which is Ex. DW3/A and certified copy of order dated 14.03.2016 in ITA No. 6728/DEL/2014 which is Ex. DW3/B.

(Objected to by Ld. Counsel for complainant on the ground that the record is not relevant U/s 40 to 44 Indian Evidence Act, U/s 60 to 61 of Indian Evidence Act as oral and documentary evidence on which such judgments may be based not directly tendered before this court, judgment in personum Harish Bindal is not a party).

Heard.

Objection disallowed as witness has only produced the record summoned by the court and the relevancy of documents shall be decided at the time of final adjudication.

XXXXXX By Sh. Jivesh, Ld. Counsel for complainant.

It is correct that I do not have any personal knowledge on facts, pleading of parties/arguments in aforesaid order/judgment whose record I brought today.”

5. In the opinion of this Court, the learned JMFC has disallowed the objection with regard to the production of documents, however, the question of relevancy of documents has been kept open which will be decided by the learned Trial Court at the time of final adjudication of the case.



6. In view of the above, no further clarification is required for.
7. The present petition is disposed of accordingly.
8. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MARCH 20, 2025/sn

Click here to check corrigendum, if any