



CRM-M-13845-2026

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

Sr. No.142

CRM-M-13845-2026

Date of Decision: 13.03.2026

RAHUL JAIN

...Petitioner

Versus

SHUBHANGI JAIN

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Sahil Khunger, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for setting aside the order dated 27.02.2026 passed by the learned Judicial Magistrate First Class, Ludhiana, whereby the application filed by the petitioner for de-exhibiting the documents Ex.C7 to Ex.C17 in Complaint Case No. COMA-12-2021 under Section 138 of the Negotiable Instruments Act, 1881, titled as “*Shubhangi Jain versus Rahul Jain*”, has been dismissed.

2. Brief facts of the case are that the complaint under Section 138 of the Negotiable Instruments Act was originally filed by the respondent–complainant Shubhangi Jain, who during her preliminary evidence had tendered documents Ex.C1 to Ex.C6. Subsequently, an application for substitution of the complainant through her attorney was moved and the same was allowed by the learned trial Court, permitting the attorney to pursue the complaint on behalf of the complainant. However, during the course of cross-examination, it came to the notice of the accused–petitioner



that the complainant/attorney had tendered additional documents Ex.C7 to Ex.C17 without seeking prior permission of the Court, which documents were not originally produced by the complainant at the time of her preliminary evidence. Consequently, the petitioner moved an application before the trial Court seeking de-exhibition of documents Ex.C7 to Ex.C17 on the ground that the attorney had no authority to tender additional documents without the leave of the Court.

3. On the other hand, the respondent-complainant filed a reply to the said application raising preliminary objections regarding its maintainability and denying the averments made therein. It was contended that the application had been filed only to delay the proceedings and defer the cross-examination, particularly when the accused had already been granted last opportunity to conclude the cross-examination. It was further pleaded that there is no provision of law for de-exhibiting the documents and that the documents Ex.C7 to Ex.C17 had been legally tendered, therefore no prior permission of the Court was required. On these grounds, dismissal of the application was prayed for.

4. The learned Judicial Magistrate First Class, Ludhiana, vide order dated 27.02.2026, dismissed the application filed by the accused for de-exhibiting the documents Ex.C7 to Ex.C17. The trial Court observed that there is no specific provision of law for de-exhibiting documents once they have been exhibited in evidence and that the question regarding their admissibility, genuineness and evidentiary value can be considered at the stage of final appreciation of evidence. It was further observed that the said documents had been tendered by the Special Power of Attorney on



31.10.2025 when the complainant's evidence was still open and therefore no prior permission of the Court was required for tendering the same. Accordingly, the application was dismissed while granting liberty to the accused to cross-examine the Special Power of Attorney with regard to the said documents.

5. Learned counsel for the petitioner has contended that the impugned order passed by the learned trial Court is illegal and contrary to settled principles of criminal procedure. It is argued that the original complainant had tendered only documents Ex.C1 to Ex.C6 at the stage of preliminary evidence and thereafter the complainant was substituted by a Special Power of Attorney. However, the said attorney, without seeking permission of the Court, tendered additional documents Ex.C7 to Ex.C17, which were not part of the original evidence. It is submitted that the substituted attorney had no authority to introduce fresh documents at a belated stage and the same could not have been permitted without leave of the Court. It is further contended that the reliance placed by the trial Court on the proposition that documents once exhibited cannot be de-exhibited has been misapplied, as the issue in the present case pertains to the introduction of additional documents without following the due procedure of law. Learned counsel submits that if additional evidence was required to be produced, the complainant ought to have moved a proper application seeking permission of the Court, demonstrating necessity and diligence, which admittedly was not done in the present case. It is also argued that permitting such documents at the stage when the matter was fixed for cross-examination of the complainant amounts to causing serious prejudice to the



accused and deprives him of a fair opportunity to defend himself. According to the petitioner, the finding of the trial Court that the complainant's evidence was still open even after substitution of the attorney is erroneous and unsustainable in law.

6. On these premises, it is submitted that the impugned order results in grave prejudice and miscarriage of justice, as the petitioner has been compelled to face cross-examination on documents which were introduced without following the prescribed procedure. Matter being short in question, no notice was issued to the respondent.

7. I have heard learned counsel for the petitioner and have gone through the paper-book with his able assistance.

8. At the outset, it would be apposite to notice the scope of interference in a petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which saves the inherent powers of this Court to prevent abuse of the process of law or to secure the ends of justice. The said jurisdiction is to be exercised sparingly and with great caution and interference is warranted only where the impugned order suffers from patent illegality, perversity or results in manifest miscarriage of justice. The inherent jurisdiction cannot be invoked merely because another view is possible or to re-appreciate the factual aspects which have already been considered by the trial Court.

9. In the present case, the grievance of the petitioner is against the order dated 27.02.2026 passed by the learned Judicial Magistrate First Class, Ludhiana, whereby the application filed by the petitioner for de-exhibiting the documents Ex.C7 to Ex.C17 has been dismissed. A perusal of the



impugned order shows that the learned trial Court has taken note of the fact that the documents in question were tendered during the course of the complainant's evidence by the Special Power of Attorney, and the complainant's evidence was still open at that stage. The learned Magistrate has further observed that mere exhibiting of a document does not by itself establish its admissibility, genuineness or proof. Rather, the evidentiary value of such documents is always subject to scrutiny during the course of trial and the same is ultimately to be examined at the stage of appreciation of evidence while passing the final judgment.

10. This Court finds no illegality in the said reasoning. It is a settled principle of evidence that marking or exhibiting of a document does not dispense with the requirement of proving the same in accordance with law. The party relying upon the document still carries the burden to establish its execution, authenticity and admissibility. If such proof is not forthcoming, the Court is always competent to eschew the document from consideration at the stage of final adjudication. Therefore, merely because the documents have been exhibited during evidence does not cause any irreversible prejudice to the petitioner.

11. The contention of the petitioner that the documents could not have been tendered by the Special Power of Attorney without prior permission of the Court also does not merit acceptance. Once the attorney had been duly substituted to prosecute the complaint on behalf of the complainant and the complainant's evidence was still continuing, the tendering of documents during the course of such evidence cannot be said to be wholly impermissible. At any rate, the petitioner retains full liberty to



challenge the admissibility, mode of proof and evidentiary value of such documents during cross-examination and at the stage of final arguments. The argument that the documents amount to additional evidence introduced at a belated stage is also misconceived. The trial Court has only permitted the documents to be placed on record tentatively and has not recorded any conclusive finding regarding their admissibility or evidentiary worth. The question whether such documents can ultimately be relied upon or not is a matter which shall fall for consideration at the stage of appreciation of evidence, and therefore the apprehension expressed by the petitioner is premature.

12. In view of the above discussion, this Court is of the considered opinion that the impugned order passed by the learned Judicial Magistrate First Class, Ludhiana does not suffer from any illegality, perversity or jurisdictional error warranting interference in exercise of inherent powers under Section 528 BNSS. The reasoning recorded by the trial Court is well within the parameters of law and the petitioner still has adequate opportunity to contest the evidentiary value of the documents during trial.

13. Consequently, finding no merit in the present petition, the same is hereby dismissed.

14. All pending applications, if any, shall also stand disposed of.

(MANDEEP PANNU)
JUDGE

13.03.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No