

*** Vs. V.

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SooperKanoon Citation : sooperkanoon.com/1054862

Court : Punjab and Haryana

Decided On : Jan-16-2013

Appellant : ***

Respondent : V.

Judgement :

CrI.Misc.

No.2724 of 2013 & Crimination Revision No.2869 of 2011 :{ 1 } : IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Date of decision : January 16, 2013 Dr.

Kiran SharmaPetitioner v.

U.T.Chandigarh AdministrationRespondent *** CORAM : HON'BLE MR.JUSTICE RANJIT SINGH *** Present : Mr.Vineet Sehgal, Advocate, for the petitioneRs.Mr.Hemant Bassi, Advocate, for U.T., Chandigarh.

*** 1.

Whether Reporters of Local Newspapers may be allowed to see the judgment ?.

2. To be referred to the Reporters or No.?.

3. Whether the judgment should be reported in the Digest ?.

*** RANJIT SINGH, J (Oral) The petitioner has filed this revision against the order passed by the Additional Sessions Judge, U.T., Chandigarh, declining his application for permitting additional evidence under Section 391 Cr.P.C.read with Section 311 Cr.P.C.The petitioner was convicted for an offence under Section 304A IPC on 31.3.2010.

He accordingly has filed an appeal against his conviction, which is pending before Additional Sessions Judge, U.T., Chandigarh.

The petitioner not wants to show that the alleged eye witness Jagjivan Singh, who is son of the deceased, was not present at the place of occurrence and is CrI.Misc.

No.2724 of 2013 & Crimination Revision No.2869 of 2011 :{ 2 } : a planted witness by the prosecution.

It is too late for the petitioner to realise and prove this fact.

All this was required to be done at the stage of trial.

Permission to lead additional evidence at the stage of trial and at the appellate stage has to be on entirely different considerations.

At the appellate stage, it is for the Court to see if any additional evidence is needed in the interest of justice.

Even the evidence, which the petitioner wishes to lead can not be permitted as prayed as prayer is not to lead additional evidence but to undo the evidence which is on record.

The petitioner wants to show that the eye witness was not present at the scene.

The counsel for the respondent has referred to the eye witness count given by Jagjivan Singh, PW1, who has stated that her mother was taken to Mukat Hospital in the same car with which she met with an accident.

That is the version of the petitioner as an accused.

While PW1 was under cross-examination, no question was addressed to him on behalf of the defence in this regard that he was not present as is not urged.

There is neither any case made out for permitting additional evidence at this stage under law nor this evidence can be allowed having regard to the facts as pleaded.

The impugned order is perfectly legal and will not call for any interference.

The revision is accordingly dismissed.

(RANJIT SINGH) January 16, 2013.

JUDGE KHURMI

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