
(1996) 02 SC CK 0232

In the Supreme Court Of India

Case No : Criminal Appeal No. 225 of 1996 Arising out of SLP (Criminal) No. 2181 of 1994

Gajendra Singh and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 09-02-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 313, 482

Citation : (1998) 8 SCC 612

Hon'ble Judges : A. M. Ahmadii, C.J; Sujata V. Manohar, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. The accused Umesh Kumar, after his statement was recorded u/s 313 of the CrPC, expressed his desire to be examined as a defence witness. He gave an application in that behalf which was allowed by the learned Additional Sessions Judge, Hindon. At the fag end of his evidence, he desired to produce certain documents but the learned Judge did not permit him to do so and rejected his application for production. Against the said order, he approached the High Court u/s 482 of the Code and the High Court refused to exercise jurisdiction and hence this appeal by special leave.

3. We have heard the learned counsel for the appellant as well as the State of Rajasthan. Once the Court allowed the application of the accused to be examined as a defence witness and commenced recording of his evidence, we fail to appreciate why he was not allowed to produce the documents on which he desired to rely. Merely because he did not produce the documents before his evidence was recorded is no reason why once the Court permitted him to step into the witness-box he was denied the opportunity to produce the documents on which he desired to rely to support his evidence. It appears that the learned Judge was unhappy because the matter had been pending since long at the stage

of arguments and it was at that point of time that the accused moved the application for examination as a defence witness. Once the learned Judge allowed his application and commenced examining him as a defence witness, we fail to see why he took the attitude of not permitting the witness to produce the documents on which he relied. All this time and energy could have been saved if the learned Judge had been pragmatic. Unfortunately, even the High Court adopted a very technical approach.

4. In the result, we allow this appeal, set aside the order of the High Court and that of the Additional Sessions Judge refusing to permit the appellant from producing the documents and remit the matter to the learned Additional Sessions Judge, Hindon City, to permit the appellant to produce the documents on which he relies for whatever they are worth and complete the trial as early as possible. The appeal will stand disposed of accordingly.