



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Misc(Pet.) No. 4965/2024

Sitaram S/o Chunni Lal Dangi, Aged About 40 Years, R/o Shobhagpura, Tehsil Badgaon, Dist. Udaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Rajendra Meghwal S/o Shri Hajari Lal Meghwal, R/o Vasani Kala, Tehsil Mawli, Dist. Udaipur, Rajasthan.

-----Respondents

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For Petitioner(s) : Mr. Ram Singh Rawal.  
For Respondent(s) : Mr. Sumer Singh Rajpurohit, P.P.

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**HON'BLE MR. JUSTICE ARUN MONGA**

**Order**

**30/07/2024**

1. Petitioner herein is impugning an order dated 18.08.2023 passed by learned Trial Magistrate, Mawli, District Udaipur, in Case No.501/2016. Trial court has allowed the application filed by respondent No.2 under Section 311 Cr.P.C. for taking on record certain documents.

2. Brief facts of the case leading to the petition herein are that Respondent No. 02 filed a complaint before the Concerned Court at Udaipur for the offence under section 138 NI Act against the Petitioner in the year 2016. The evidence of the Complainant was recorded on 18/02/2022 before the trial court. Matter is pending at the final stage of the trial. However, on 28/03/2023, the complainant moved an application under section 311 CrPC and prayed for re-examination of a witness and to take the



Registration Certificate of the Firm on record. Vide order dated 18/08/2023, assailed herein, the learned trial court allowed the said application.

3. In the aforesaid backdrop, I have heard learned counsel for the respective parties and have gone through the case file.

4. Leaned counsel for the petitioner *inter alia* argues that the learned trial court without considering the material available on record, has simply allowed the application filed by respondent No.2 without any application of mind. That too, when the matter is at final stage and evidence of the complainant had already been completed on 18.02.2022. Therefore, the impugned order deserves to be set aside.

5. Having perused the order impugned, I find no grounds to interfere in the order impugned. Powers under 311 of Cr.P.C. can be exercised at any stage, provided it is so warranted, to avoid the miscarriage of justice. In any case, no prejudice would be caused to the petitioner with the impugned order, other than, of course, little delay in trial. However, a balance has to be struck between delay viz a viz denial to invoke right under section 311, *ibid*, qua which the learned trial court has rightly exercised its discretionary jurisdiction.

6. Thus, no grounds to interfere.

7. Dismissed.

**(ARUN MONGA),J**

30-Sumit/-

Whether Fit for Reporting: Yes / No