

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 7926/2017

(Arising out of impugned final judgment and order dated 28-07-2017 in MCRC No. 10622/2014 passed by the High Court of M.P Principal Seat at Jabalpur)

ARJUN SINGH

Petitioner(s)

VERSUS

LIBRA RETAILERS PVT. LTD.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.104718/2017-EXEMPTION FROM FILING O.T.)

Date : 07-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Parties

Mr. Gopal Shankaranarayanan, Sr. Adv.
Mr. Amit Kasera, Adv.
Mr. Ankit Kohli, Adv.
Mr. Bijoy Kumar Jain, AOR

Mr. Sadapur Mukherjee, Adv.
Mr. Ashok Jain, Adv.
Mr. Syed Mehdi Imam, AOR

UPON hearing the counsel the Court made the following
O R D E R

The High Court vide the impugned order has not entertained the petition filed by the petitioner-accused under Section 482 Cr.P.C. and has confirmed the orders passed by the trial court and the revisional court, rejecting the petitioner's application filed under Section 243 of Cr.P.C., on the ground that the application was filed with a view to delay the proceedings.

In view of the concurrent findings recorded by the three courts, we are not inclined to interfere with the same. However, we make it clear that it would be open for the petitioner-accused to lead such oral and documentary evidence as may be permissible under the law.

It is for the trial court to examine the question of admissibility of documents when they are tendered in evidence. Further the trial court has discretion to postpone final determination of admissibility and relevancy at a later stage, *albeit* after putting the parties to due notice. Evidentiary value of documents is determined at the stage of final decision.

The observations made in the order dated 09.07.2014 would not come in the way of the petitioner till he tenders documents in evidence. It would be at that stage that the trial court would examine the issue of admissibility and relevancy or postpone such determination at a later stage as per decisions of this Court and in terms of the provisions of the Indian Evidence Act, 1872.

Recording the aforesaid, the special leave petition is disposed of, clarifying that we have not expressed any opinion on admissibility, relevancy or evidentiary value of any document or the merits of the case.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)