



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

136

**CRM-M-40972-2025
Date of decision: 31.07.2025**

SHREE RADHEY KRISHNA ALLOYS

...Petitioner

Versus

S.B.S INTERNATIONAL PVT LTD AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr.Rakesh Dhiman, Advocate for the petitioner.

SANJAY VASHISTH. J.(Oral)

1, Present petition under Section 528 of BNSS, 2023 has been filed for quashing of the impugned order dated 30.04.2025 (Annexure P-7) passed by learned Judicial Magistrate First Class, Gurgaon, in case titled as Shree Radhey Krishan Alloys Versus S.B.S International Pvt. Ltd and others filed vide complaint No.NACT/6280 of 2022.

2. By way of moving an application for leading additional evidence, petitioner (complainant in complaint under Section 138 of the NI Act) wanted to prove the already produced documents i.e. GSTR along with ITR, Tax invoice and E-way bills. The said request has been declined by observing that it is nothing but an attempt to fill up the lacuna. Observation has also been given that cross-examination of the complainant is already over and case is at the stage of recording of defence evidence.

3. It has further been observed that it was only during cross-examination that the documents were requested, and in response, the petitioner placed them on record. Therefore, there is no scope for the petitioner to now contend that the



documents need to be proved, as they have already been placed on record at his instance during cross-examination by the accused. In the impugned order, learned trial Court has very categorically observed that petitioner has failed to specify in his application or from the cross-examination, as to how these documents are relevant and essential for proper adjudication of the present case.

4. Merely because GSTR documents were asked to be produced by counsel for the accused in cross-examination of the complainant, the same cannot be considered a valid ground to summon the officials from the Excise and Taxation Department to prove these documents.

5. In view of the aforementioned reasons asked in the impugned order, this Court does not find any necessity to cause any interference with the same.

However, present petition is disposed of with the observation that if, before taking a final decision in the case, learned trial Court finds that the Additional evidence which is now being sought by the petitioner, is essential for 'just decision' of the case, it would be open for the learned trial Court only to ask the petitioner to prove the same within some time bound manner.

6. Accordingly, petition is disposed of.

31.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No