



2026:DHC:8818



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision:** 05.10.2026# **CNR No. DLHC010154582024**+ **CRL.M.C. 2375/2024 & CRL.M.A. 9130/2024 STAY****SHREE HIND DYES AND CHEMICAL**PetitionerThrough: Mr. Baibhav, Mr. Mohit Saroha,
Mr. Arun Kanwa, Ms. Dimpy
Chillar, Advs.

versus

STATE OF NCT OF DELHI & ANR.RespondentsThrough: Mr.Nawal Kishore Jha, APP.
Mr. Maneesh Gumbek, Mr. Tarun
Gumbek, Mr. Kartikeya
Khazanchi, Advs. for R-2.**CORAM:****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT(ORAL)****RAVINDER DUDEJA, J.**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 ["Cr.P.C."] against the impugned order dated 15.12.2023 passed by the learned MM-04, NI Act, West District, Tis Hazari Courts, Delhi ["Trial Court"], in Ct. Case No. 6601/2019, whereby the learned Trial Court dismissed the application of the petitioner to bring on record certain necessary documents.

2. Briefly stated, the petitioner and respondent no.2 had a business relationship and in the course of their business transactions, an amount of Rs. 1,86,620/- became due against the goods supplied by the petitioner.



2026:DHC:8818



Towards part discharge of the said liability, the respondent no.2 issued two cheques bearing Nos. 000357 and 000356 for a total amount of Rs.1,13,232/-, which, upon presentation, were dishonoured for insufficiency of funds. Being aggrieved, the petitioner filed a complaint case against the respondent no.2 and cognizance was taken.

3. Notice under Section 251 Cr.P.C. was framed against the respondent no.2 on 05.02.2021. At that stage, the respondent no.2 took the defence that the cheques in question were blank signed security cheques and that he had already repaid the entire cheque amount due to the firm M/s Laxmi- belonging to the petitioner.

4. At the stage of the defence evidence, the respondent no. 2 produced an official from Bank of India who produced the bank statement of respondent no. 2 to show that respondent had paid Rs. 1,45,457/- to the petitioner.

5. Even though, at the stage of framing of notices under Section 251 Cr.P.C., the respondent had taken the defence that he had already repaid the consideration amount to one M/s Laxmi Traders, for the first time at the stage of defence evidence, the respondent took the defence that he had paid Rs. 1,45,457/- to the petitioner/complainant.

6. The petitioner contended that the said payment was made towards Invoice No. 252 dated 01.06.2016, and not towards the outstanding liability which forms the subject matter of the complaint. Accordingly, the petitioner, on 28.04.2023, moved an application under Section 311 Cr.P.C. seeking to place on record the invoice dated 01.06.2016 for Rs.1,45,457/- and the corresponding VAT statement/payment documents, so as to clarify the nature of the payment reflected in the



2026:DHC:8818



bank statement of the respondent no.2.

7. The learned Trial Court, *vide* impugned order dated 15.12.2023, dismissed the said application and noted that the petitioner's evidence had already been closed on 03.08.2022 and that the said invoice had not been filed earlier. It was observed that the complainant had already filed its ledger but had not filed any invoice along with the complaint and that permitting the additional document would amount to filling a lacuna in the complainant's case. Being aggrieved, the petitioner has filed the present petition.

8. Learned counsel for the petitioner submits that the application does not seek to introduce a new case but only seeks to place on record documents which have become material in view of the defence evidence led by the respondent no.2. It is submitted that the respondent no.2 misled the Court by examining the bank official and relying upon the payment of Rs.1,45,457/- made to the petitioner as payment made regarding the present case. It is contended that the said payment was in fact towards Invoice No. 252 dated 01.06.2016, which was for the exact amount of Rs.1,45,457/-. The remaining invoices, according to the petitioner, remained unpaid and constituted part of the outstanding liability. It is therefore argued that the invoice and the corresponding VAT/payment records are directly relevant for determining whether the payment relied upon by the respondent no.2 relate to the liability which is the subject matter of the complaint.

9. Learned counsel further submits that the power under Section 311 Cr.P.C. is intended to ensure that material evidence necessary for a just decision is brought before the Court. It is contended that the mere fact



2026:DHC:8818



that evidence has been closed cannot, by itself, constitute a bar upon material evidence which is necessary for a just adjudication. It is urged that no prejudice would be caused to the respondent no.2 as he would have full opportunity to contest the admissibility, authenticity and evidentiary value of the documents. The petitioner, therefore, seeks permission to place the additional documents on record and lead evidence in relation thereto.

10. *Per contra*, learned counsel for the respondent no.2 opposes the application and submits that the petitioner's evidence had already been closed and the present application has been filed at a belated stage only with a view to fill the lacunae in its case. It is stated that the learned Trial Court passed a well-reasoned order and that allowing the application at this stage would result in unnecessary delay in the proceedings and would enable the petitioner to improve upon its case after having seen the defence evidence.

11. Heard. The Court has considered the rival submissions and perused the material placed on record.

12. The question which arises for consideration is not whether the documents sought to be produced would establish the petitioner's case or not. At this stage, the Court is required to determine whether the proposed additional documents are relevant and necessary for a just and proper adjudication and whether its production would prejudice to the respondent no.2 or not.

13. Section 311 Cr.P.C. confers a wide power upon the Courts to summon, examine, recall or re-examine a person at any stage of an inquiry or trial where such evidence appears to be essential for the just



2026:DHC:8818



decision of the case. The determinative consideration, therefore, is the necessity of the evidence for arriving at a just decision and not merely the stage at which the application is made.

14. In the present case, the chronology of the case proceedings assumes significance. The complainant's evidence was closed on 03.08.2022. Thereafter, the respondent no.2 examined a bank official and brought on record his bank statement reflecting a payment of Rs.1,45,457/- to the petitioner. The petitioner asserted that this payment was in relation to an earlier invoice dated 01.06.2016 and not to the liability forming the subject matter of the present complaint.

15. Thus, the proposed documents cannot be said to be wholly unconnected with the case. On the contrary, they seem to bear a direct nexus with the payment relied upon by the respondent no.2 in his defence. The record further indicates that the respondent no.2 had taken different stands during the course of proceedings. In these circumstances, the petitioner's attempt to explain the nature of the payment cannot, at this stage, be shown merely as an endeavour to fill a lacuna in its original case. There is a distinction between allowing a party to introduce evidence to cure a deficiency in its case and allowing a party to place relevant evidence on record in order to explain a fact which is necessary for just adjudication.

16. The objection that the petitioner should have produced the invoice earlier is undoubtedly a relevant consideration. However, such omission, by itself, cannot result in exclusion of material evidence where the Court finds that the document is material in deciding an issue arising for adjudication.



2026:DHC:8818



17. This Court is, therefore, of the view that the documents sought to be produced have sufficient relevance to an issue which has arisen during the course of the trial and their consideration would assist the Trial Court in arriving at the truth. The mere fact that the petitioner's evidence had earlier been closed cannot, in the peculiar facts of the present case, constitute an absolute bar upon the production of essential documents.

18. The petition is accordingly allowed.

19. The petitioner is permitted to place on record the invoice dated 01.06.2016, along with the corresponding bank receipt/payment statement and VAT/GST record, as sought in the petition. The respondent no.2 shall be afforded full opportunity to contest the said documents, in accordance with law.

20. It is clarified that the observations made herein are confined solely to the question of allowing the additional documents/evidence to be brought on record and shall not be construed as an expression of opinion on the merits of the case.

21. The petition stands disposed of in the above terms.

RAVINDER DUDEJA, J

OCTOBER 5, 2026/AK