

the benefit of compensation on account of Loss of Consortium to the extent of Rs.40,000/-, Loss of Estate to the extent of Rs. 15,000/-, funeral expenses of Rs.15000/- as per the judgment in case of **National India Insurance Company Ltd.(supra)**.

54. As a result thereof, the claimants are held entitled to the compensation as follows:-

Sr. No.	Heads	Amount(Rs.)
1	Loss of Dependency	9,07,200/-
2	Loss of Estate	15,000/-
3	Loss of Consortium	40,000/-
4	Funeral Expenses	15,000/-
	Total	9,77,200/-

55. However, the interest on these amounts is retained at the same rate as was awarded by the Tribunal.

56. No other argument was raised by learned counsel for the parties.

57. In view of the above, the appeal filed by the owner and driver is allowed. The recovery rights granted to the Insurance Company are set aside. The cross objections filed by the claimants are also allowed. The findings and the award passed by the Tribunal is modified to the above said extent.

Appeal allowed.

PUNJAB AND HARYANA HIGH COURT

Before: Jaishree Thakur, J.

CRM-M No. 32684 of 2016 (O&M)

Decided on: 15.09.2017

Navninder Singh @ Billa

Petitioner

Versus

State of Punjab & Another

Respondents

Present: Mr. M. S. Sachdev, Advocate for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Punjab Civil and Criminal Courts, Preparation and Supply of Copies of Records Rules, 1965, Rule 3 – Right to get documents from pending Juvenile Trial -- Documents produced before Juvenile justice board – Application for supply of documents by other co-accused – Petitioner is not a stranger to the proceedings -- Documents in original are before the JJB having being exhibited and no prejudice would be caused to the prosecutrix, who is common to both trials, in case the documents are supplied to the petitioner -- However denial of the same to the petitioner will definitely hamper his defence.

(Para 2, 6-10)

JUDGMENT**JAISHREE THAKUR, J. (ORAL) –**

1. This petition has been filed under Section 482 Cr.P.C seeking issuance of a direction to the Court of Principal Juvenile Justice Board, Jalandhar to issue uncertified copies of documents referred to as Mark-6 to Mark-40 and further to supply /issue certified copies of Exhibit P-1, Exhibit D-1 to Exhibit D-50 and Exhibit CA, Exhibit PW3/A in the case related to Narinder Singh in FIR No. 173 dated 13.10.2014 under Sections 306/511/354/3/506/509 IPC registered at Police Station Division No. 8 Jalandhar.

2. In brief, an FIR was registered against the petitioner as well as against his younger brother bearing FIR No. 173 dated 13.10.2014 under the aforementioned sections. A challan was presented against the petitioner and the matter was committed for trial before the Sessions Court, however his brother Narinder Singh, being juvenile, was tried before the Principal Juvenile Justice Board, Jalandhar (*for short 'the JJB'*). The charges framed against the brother of the petitioner before the JJB were under Section 341 IPC read with 34 IPC, 354 read with 34, 506 read with 34 IPC. Certain documents were produced before the JJ Board which were marked as Mark-6 to Mark-40 and further documents were exhibited as Exhibit D-1 to Exhibit D-50 in evidence. Since the trial of the petitioner was being held separately, the petitioner applied for a copy of the documents so exhibited in evidence. The same were denied on the ground that documents could not be provided since the said documents were pertaining to a pending juvenile trial. Aggrieved against the denial of documents by the JJ Board, the instant revision petition has been filed by invoking Section 482 Cr.PC.

3. Mr. M.S. Sachdev, learned counsel appearing on behalf of the petitioner, contends that the petitioner is being tried along with the juvenile under the same FIR. He is facing trial in the Court of Sessions at Jalandhar, while the co-accused, who is a juvenile, is being tried by the Principal Juvenile Justice Board at Jalandhar. The prosecutrix has been examined before that Court and certain documents have been put to her during her cross-examination. The same prosecutrix is to be examined before the Court of Sessions where the petitioner is facing trial and the same documents would be relevant to his case as well. It is argued that there is no provision under the law under which an accused in the same FIR can be denied the supply of documents so put up in evidence. It is also submitted that since the FIR and the evidence is common, the petitioner would require the documents so exhibited as they are original documents lying there. It is further submitted that denial of supply of documents would hamper his case in the trial that is pending before the Sessions Court which would lead to an injustice.

4. Per contra, Mr. M.S. Nagra, learned counsel appearing on behalf of the respondent-State, submits that the matter is pending trial before the JJ Board pertaining to the brother of the petitioner herein in FIR No. 173 dated 13.10.2016 and, thus, to protect the proceedings pertaining to the prosecutrix, documents cannot be supplied.

5. I have heard learned counsel for the parties and have also perused the record.

6. The short question involved in this petition is as to whether the

petitioner, who is an accused in FIR No. 173 dated 13.10.2016 along with his brother who is a juvenile and being tried separately, would be entitled to the evidence as produced before the Principal Juvenile Justice Board, Jalandhar ?

7. Rules have been made by the High Court under the powers conferred by Article 227 of the Constitution of India regulating the preparation and supply of copies of records of civil and criminal Courts by the copying agency under the control of the District and Sessions Judges and the Judges, Small Causes Court. These Rules are called ***The Punjab Civil And Criminal Courts, Preparation And Supply of Copies of Records Rules, 1965***, as would be found in Volume 4 Chapter 17 of Punjab and Haryana High Court Rules and Orders.

8. In case a written statement has to be filed in a suit or a complaint, a party to such proceedings would not be entitled to a copy of the written statement already filed by his opponents until he has first filed his own. A person who is a stranger to civil or criminal case may obtain copies of the pleadings including evidence on showing sufficient reasons to the Court after the judgment or decree. He may also obtain copies of any judgment, decree or order, at any time after the same has been passed or made, but he shall not be granted copies of exhibits put in as evidence except with the consent of the person by whom they were produced or under the orders of the Court. Rule 3 of the 1965 Rules pertains to '***Persons entitled to obtain copies***' and the same is reproduced as under :

“3. A copy of a record shall be granted in the manner prescribed by these rules to any person who, under the law for the time being in force, or under these rules, is entitled to get it. In particular, copies may be granted as follows :—

(1) Any party to a civil or criminal case is entitled at any stage of the suit or complaint to obtain copies of the record of the case including documents exhibited and finally accepted by the Court as evidence:

Explanation.—(i) “Complaints” include challans.

(ii) A party to a suit or complaint who has been ordered to file a written statement is not entitled to a copy of the written statement of his opponent until he has first filed his own.

(2) A stranger to a civil or criminal case may, after decree or judgment, obtain copies of the plaint or complaint, written statement, affidavits and petitions filed in the case, as also of the evidence recorded by the Court, and may, for sufficient reasons shown to the satisfaction of the Court, obtain copies of any documents before the final order is passed. He may also obtain copies of any judgment, decree or order, at any time after the same has been passed or made, but he shall not be granted copies of exhibits put in as evidence except with the consent of the person by whom they were produced or under the orders of the Court.

(3) Official letters shall be treated as privileged documents and copies thereof shall not be ordinarily granted. Should it be necessary to grant a copy of a letter, or of an extract of a letter, received by a subordinate from a superior officer reference shall, in every case, be

made to the superior officer for permission to grant copy thereof.

9. Rule 3 (1) of the aforesaid rules is clear to the extent that copies of the record, including documents exhibited and accepted by the Court as evidence shall be granted to *any party to a civil or criminal case at any stage of the suit or complaint*. In the instant case, the petitioner and his brother were both named in the FIR that was registered at the behest of the prosecutrix. In case the brother had been a major, he would have been tried along with the petitioner by the Courts of Session, instead being a minor, he is being tried by the JJ Board at Jalandhar. The petitioner is not a stranger to the proceedings that have been initiated at the behest of the prosecutrix since he is a co-accused along with his brother and thus can be said to be a party to the complaint. The explanation of 'complaint' also includes 'challan'. In the incident complained of in the FIR by the prosecutrix, the petitioner and his brother is common and in normal circumstances the trial would have been one and evidence led jointly. It is only in these peculiar circumstances that two trials are carrying on pertaining to the same FIR. In defence, the co-accused minor has produced certain documents which have been exhibited in the proceedings that are pending before the JJ Board and would be common to the proceedings which are to commence before the Courts of Session. The documents in original are before the JJB having being exhibited and no prejudice would be caused to the prosecutrix, who is common to both trials, in case the documents are supplied to the petitioner. However denial of the same to the petitioner will definitely hamper his defence.

10. Therefore, in view of the specific Rule 3 of ***The Punjab Civil And Criminal Courts, Preparation And Supply of Copies of Records Rules, 1965***, this Court deems it fit to direct the Principal Juvenile Justice Board at Jalandhar to allow the certified and uncertified copies of the documents as asked for by the petitioner. Ordered accordingly. The documents to be supplied within a period of ten days on receipt of certified copy of this order.

11. Petition stands allowed.

Petition allowed.

PUNJAB AND HARYANA HIGH COURT

Before: Anil Kshetarpal, J.

RSA No.1845 of 2016 (O&M)

Decided on: 03.11.2017

Sialkot National High School and another

Appellants

Versus

Punjab Wakf Board and another

Respondents

Present: Mr. Mandeep Singh Sachdev, Advocate, for the Appellants.

A. Waqf Act, 1995 (43 of 1995), Section 89 – Notice -- Suit was filed primarily against the Wakf Board, defendant No.2 was impleaded by name as an Estate Officer -- Plaintiffs had prayed for injunction against the defendants -- Main defendant in the case was the Punjab Wakf Board -- No suit can be instituted against the Wakf Board without service of prior notice -- Findings of the Courts below that the suit was not