



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/518/2026</u> Adil Revisionist Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Mohd. Safdar, learned counsel for the revisionist. 2. Mr. S.C. Dumka, learned A.G.A. for the State. 3. Learned counsel for the revisionist would submit that an F.I.R. was lodged against 22 named persons and 100–150 unknown persons alleging that the accused persons, being enraged by the alleged desecration of the Holy Quran, had formed an unlawful assembly and committed the offences in question; that, upon completion of the investigation, a chargesheet was submitted, whereafter cognizance was taken and the accused persons were summoned; that, subsequently, the case was committed to the Court of Sessions for trial; that, PW1, Constable Yogendra Singh, presently posted at Police Station Bhagwanpur,



		District Haridwar, was examined before the learned trial Court on 13.06.2025 and was duly cross-examined by the defence. However, after the completion of his cross-examination, it came to the notice of the revisionist and his counsel, during the course of further consultation, that certain material and relevant questions, essential for an effective defence, had inadvertently remained omitted and, therefore, could not be put to the witness during his cross-examination. 4. Learned counsel would further submit that, in the aforesaid circumstances, the revisionist/accused moved an application under Section 311 Cr.P.C. on 02.06.2026 before the learned trial Court seeking recall of PW1, Constable Yogendra Singh, for the limited purpose of further cross-examination; that, the learned trial Court, by the impugned order dated 02.06.2026, rejected the said application primarily on the grounds that the revisionist had not disclosed the specific questions proposed to be put to the witness and that this Court had directed the trial to be concluded expeditiously within six months; that, the impugned order is
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		illegal, arbitrary and unsustainable in law, being a non-speaking and unreasoned order. 5. Learned counsel would further submit that PW1 is a material prosecution witness and his further cross-examination is necessary for a just adjudication of the case. It is argued that the learned trial Court failed to record any cogent, specific or legally sustainable reasons for declining the prayer for recalling the witness under Section 311 Cr.P.C. Consequently, the impugned order deserves to be set aside and the revisionist be afforded an opportunity to further cross-examine PW1. 6. Per contra, learned counsel appearing for the respondent would submit that the impugned order is a well-reasoned and speaking order passed after due consideration of the facts and circumstances of the case. It is submitted that adequate and sufficient opportunity had already been afforded to the revisionist/accused to cross-examine PW1, and no justification has been shown for recalling the witness at such a belated stage. It is, therefore, contended that the impugned order does not suffer from any jurisdictional error, illegality or perversity
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		warranting interference by this Court in the exercise of its revisional jurisdiction. 7. Heard learned counsel for the parties and perused the material available on record. 9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the revision arises out of an order whereby the learned trial Court has rejected the application preferred by the revisionist under Section 311 Cr.P.C. seeking recall of PW1 Constable Yogendra Singh for further cross-examination. 10. The power conferred upon the Court under Section 311 Cr.P.C. is undoubtedly wide and is intended to enable the Court to summon, recall or re-examine any witness if such evidence appears to be essential for the just decision of the case. However, the said power is discretionary and is required to be exercised judiciously and not as a matter of course. The provision cannot be invoked merely to enable a party to fill up omissions or lacunae in its case or to rectify mistakes committed during the earlier cross-examination. 11. In the present case, the record
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		reflects that PW1 Constable Yogendra Singh was examined before the learned trial Court on 13.06.2025 and was duly cross-examined at length by the defence. The application under Section 311 Cr.P.C. came to be filed nearly one year thereafter on the bald assertion that certain questions, which according to the defence were material, could not be put to the witness due to inadvertence. Significantly, the application neither disclosed the nature of the questions proposed to be put to the witness nor explained how such further cross-examination was indispensable for arriving at a just decision of the case. In the absence of any specific foundation, the learned trial Court was justified in holding that no sufficient ground had been made out for recalling the witness. 12. The learned trial Court has also taken note of the direction issued by this Court for expeditious conclusion of the trial within the stipulated period. While such direction by itself may not be a ground to reject an otherwise meritorious application under Section 311 Cr.P.C., in the facts of the present case, where adequate opportunity of cross-
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		examination had already been afforded and no specific prejudice or necessity was demonstrated, the rejection of the application cannot be said to be arbitrary or unreasonable. 13. This Court is, therefore, of the considered opinion that the learned trial Court exercised its discretion in accordance with law and assigned cogent reasons for declining the prayer for recall of PW1. The impugned order neither suffers from any illegality nor occasions any miscarriage of justice warranting interference in revisional jurisdiction. 14. Consequently, the criminal revision, being devoid of merit, is hereby dismissed. 15. There shall be no order as to costs. (Alok Mahra, J.) 10.07.2026 mamta MAMTA A RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebf46f244f3e 584af1449e430ef900bf09a6d67ebb d642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabf d54852c9e68911ca8b66dd26690a1 91648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.07.10 16:55:36 +05'30'
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