



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/540/2026</u> Habib --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Tajhar Qayyum, learned counsel for the revisionist. Mrs. Pushpa Bhatt, learned Additional Advocate General assisted by Mr. S.C. Dumka, learned A.G.A. and Mr. Nikhil Bisht, learned Brief Holder for the State of Uttarakhand. 2. The present Criminal Revision has been filed challenging the judgment and order dated 04.07.2026, passed by the learned 1st Additional Sessions Judge, Rishikesh, District Dehradun in Sessions Trial No. 05 of 2023, "<i>State vs. Aman and Others</i>", under Sections 379, 411, 413, 414 and 34 of the IPC, whereby the application filed by the revisionist under Section 311 of the Code of Criminal Procedure was rejected. 3. Learned counsel for the revisionist submits that on the date when the chief-examination of PW5 was recorded, the colleague of the revisionist's counsel was shot dead. Consequently, the counsel could not appear before the Trial Court as he was occupied with the cremation proceedings. It is further submitted that an adjournment application had been moved on that day; however, the same was rejected and the opportunity to cross-examine of said witnesses was closed. On these grounds, the revisionist sought recall of the prosecution witnesses by filing an application under Section 311 Cr.P.C. 4. Per contra, learned State counsel submits that only four prosecution witnesses had been examined. It is further submitted that the



		application under Section 311 Cr.P.C. sought recall of PW2, PW5, PW6, PW7 and PW8 though PW5 to PW7 had not even been examined. 5. Heard learned counsel for the parties and perused the impugned order as well as the material available on record. 6. It is an admitted position that only four prosecution witnesses had been examined and thereafter the case was listed for recording the statement of the accused under Section 313 Cr.P.C. 7. The learned Trial Court rejected the application under Section 311 Cr.P.C. holding that it was factually misconceived, as PW5, PW6 and PW7 had not been examined by the prosecution. The Trial Court further found that no sufficient grounds had been made out for recalling the witnesses already examined. 8. This Court finds no illegality or perversity in the impugned order. The application under Section 311 Cr.P.C. appears to have been filed without properly verifying the record, as the prosecution had not examined PW5 to PW7. The power under Section 311 Cr.P.C. is meant to ensure a just decision and cannot be invoked in a casual manner or to unnecessarily delay the trial. 9. In view of the above facts and circumstances, this Court finds no infirmity in the impugned order dated 04.07.2026. The present Criminal Revision is devoid of merit and is, accordingly, dismissed. (Alok Mahra, J.) 17-07-2026 SB
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