

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5898 of 2015
Date of decision : September 9, 2015

Kewaldeep @ Kevaldeep Singh Thind

..... Petitioner

Versus

Atma Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Harsh Aggarwal, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order (Annexure P-5) whereby the application filed by the petitioner-defendant for re-calling of the witness Gursheer Singh-PW-5 for cross examination, has been dismissed.

Learned counsel for the petitioner-defendant submits that as per provisions of Section 145 of the Indian Evidence Act, 1872 the other party-cross examining the witness can ask any question to test the demeanor of the witnesses. However, the counsel for the defendant failed to put question to the aforesaid witness i.e. with regard to the statement, thus owing to such situation application had been filed, which, erroneously, has been declined by the trial court without adjudicating the same in a

pragmatic manner, thus impugned order suffers from illegality and perversity.

I have heard learned counsel for the petitioner and appraised the paper book.

It is a settled law that as per Section 33 of the Indian Evidence Act, 1872 statement or evidence recorded in earlier or other judicial proceedings are admissible in evidence. Since the statement of witness has already been exhibited, the petitioner-defendant can take the benefit of aforementioned proceedings without seeking relief i.e. by recall of the aforementioned witnesses.

In my view, there is no illegality and perversity in the impugned order. The impugned order is upheld.

In view of aforesaid observation the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 9, 2015
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