

CRM-M-1022 of 2015

Date of Decision: 13.01.2015

Manjit Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.PBS Goraya, Advocate
for the petitioner

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

REKHA MITTAL, J.

The present petition lays challenge to order dated 28.8.2014 whereby the application filed by the petitioner-accused for permitting him to cross examine the prosecution witnesses Balwinder Singh complainant and Surinder Singh PW2, shadow witness has been disallowed,.

Notice of motion.

Mr. Gazi Mohammad, DAG, Punjab has put in appearance on behalf of State of Punjab.

Counsel for the petitioner contends that in case the petitioner is not permitted to cross examine the material witnesses of the prosecution, a serious prejudice would be caused to him and the proceedings are bound to result in his conviction. It is further submitted that even if there was lapse on part of counsel for the petitioner in cross examining these witnesses in time, the petitioner should not be allowed to suffer for the same.

I have heard counsel for the petitioner and perused the impugned order.

The order passed by the trial court makes it evidence that the case was adjourned a number of times for cross examination of these witnesses but their cross examination was not concluded, however, keeping in view the principles of natural justice coupled with the factum that a serious prejudice is likely to be caused to the petitioner in case he is not permitted to cross examine the complainant and shadow witness in a case of accepting illegal gratification registered under the Prevention of Corruption Act, the petition is allowed and the petitioner is provided one opportunity to cross examine both these witnesses subject to payment of costs of Rs. 15,000/- which shall be deposited with the Legal Services Authority of the concerned District. The trial court shall ensue that both these witnesses are present in the Court on the same date and their cross examination is concluded in a single sitting.

(REKHA MITTAL)
JUDGE

13.01.2015
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