

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-1632 of 2014

Date of Decision: July 27, 2015

Anurag Sharma

....Petitioner

Versus

Narender Kumar

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Tapan Kumar Yadav, Advocate, for the petitioner.

Ms.Divya, Advocate, for the respondent.

Rajan Gupta, J (Oral)

It appears that CW3 namely, Narender Kumar was recalled by the trial court for cross examination in exercise of powers under Section 311 Cr.PC. Case was taken up on 23.7.2013. It was called out several times. Due to non appearance of counsel for the petitioner, evidence of CW3 was closed by order. Petitioner preferred revision petition before Additional District Judge, Faridabad but remained unsuccessful. Aggrieved, present petition has been filed.

Counsel for the petitioner at the outset submits that it was only on one date i.e 23.7.2013 that counsel could not put in appearance and due to this reason opportunity to cross examine of CW3 was withdrawn and evidence of said witness closed. He prays that one opportunity be granted to the petitioner to cross examine the said witness at his own risk and cost.

Keeping in view the facts and circumstances of the case, I am of the considered view that one opportunity needs to be granted to the petitioner to cross examine the said witness CW3 namely Narender Kumar. This, however, will be subject to payment of Rs.15,000/- as costs. Orders passed by the trial court and revisional court are hereby set-aside.

(Rajan Gupta)
Judge

July 27, 2015
BB