

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

CRM No.M-19483 of 2014

Date of Decision: January 12, 2015

Balwinder Singh alias Binda and others

.... Petitioners

vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Challenge in the present petition is the order dated 27.01.2014 passed by learned Addl. Sessions Judge, Fast Track Court, Hoshiarpur, vide which the application of the accused under Section 311 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for recalling the prosecution witnesses, namely Rani and Asha Rani for further cross-examination, was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

A perusal of the impugned order shows that it was not mentioned in the application as to what material question was not put to the prosecution witnesses. It was noticed by the trial court that the

witnesses were cross-examined at length. The copy of the statement of Rani, PW1 shows that she was examined on 14.11.2013 and cross-examined on 02.12.2013, which gave sufficient time to the defence counsel to make up his mind as to what questions are to be asked. Asha Rani, PW4 was examined and cross-examined on 19.12.2013.

Learned counsel for the petitioner has argued that he has framed certain questions, which are material in nature and were not asked during the cross-examination of the aforesaid witnesses. However, the fact remains that the material questions were not mentioned in the application nor pointed out during the course of arguments on the application. Therefore, the said application under Section 311 Cr.P.C. was rightly dismissed.

Learned counsel for the petitioner has produced the authority of Hon'ble the Supreme Court in case of "***Rajaram Prasad Yadav vs. State of Bihar and another***", 2013(3) R.C.R. (Criminal) 726, wherein certain principals were laid down for exercising the powers under Section 311 Cr.P.C.

I am of the view that the present case does not fall in any of those categories.

Dismissed.

January 12, 2015
sarita

(KULDIP SINGH)
JUDGE