

Crl. Misc. No. M-23414 of 2013

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

Crl. Misc. No. M-23414 of 2013
Date of decision: 30.04.2015

Joginder Pal

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Mr. Pardeep Rajput, Advocate, for the petitioner.
Mr. K.S. Sidhu, DAG, Punjab.
Mr. D.K. Gupta, Advocate, for respondents No.2 to 4.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 14.03.2012 passed by learned Judicial Magistrate Ist Class, Pathankot whereby application under Section 311 Cr.P.C. moved by respondents for recalling PW4 Narinder Saini for cross-examination, has been allowed.

It is not necessary to set out the facts in detail. Suffice it to say that on the complaint of the petitioner, respondents No.2 to 4 are facing trial in a case arising from FIR No.27 dated 25.03.2008 registered under Sections 323/324/34 IPC at Police Station Narot Jaimal Singh, Gurdaspur. During the course of trial respondents No.2 to 4 moved an application under Section 311 Cr.P.C. for re-examination of Narinder Saini PW4. The application has been allowed by learned Judicial Magistrate Ist Class, Pathankot vide order dated 14.03.2012 (Annexure

CrI. Misc. No. M-23414 of 2013

P-5). Aggrieved against the said order, petitioner preferred a revision petition before the learned Additional Sessions Judge, Pathankot, which has been dismissed vide order dated 01.06.2013. Hence, this petition.

I have heard learned counsel for the parties and perused the record.

Respondents No.2 to 4 are facing trial under Sections 323/324/34 IPC. After presentation of challan, prosecution led its evidence. Narinder Saini appeared as PW4. Certain contents of Ex.D1 were not put to him in the cross-examination. Respondents No.2 to 4 moved an application for recalling PW4 for limited purpose of clarification by putting the contents of Ex.D1 and the same has been allowed vide impugned order. In view of the law laid down by Hon'ble Supreme Court in ***Mannan Sk. and others v. State of West Bengal and another, 2014(4) RCR (Criminal) 617*** a witness can be recalled and re-examined any number of times if required for just decision of the case.

Learned counsel for the petitioner has failed to show any illegality or perversity in the impugned order. In view of the ratio of law laid down in the case of ***Mannan Sk.*** (supra), no ground for interference is made out.

Dismissed.

(Paramjeet Singh)
Judge

April 30, 2015
R.S.