

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

CRM-M-40390 of 2015

Date of decision: November 30, 2015

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. N.S. Gill, Advocate for the petitioner.

**Rajan Gupta, J. (oral)**

Petitioner is aggrieved by order dated 18.11.2015, passed by Additional Sessions Judge-cum-Judge, Special Court for Heinous Crime against Women, Hisar, whereby his application for recalling witnesses PW-1 & PW-2 has been rejected.

Learned counsel for the petitioner submits that certain questions have to be put to the witnesses. It will be in the interest of justice to allow the application.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A complaint was lodged by mother of the prosecutrix. She stated that her daughter was eight years old and was studying in 3<sup>rd</sup> class. On 24.07.2015 at about 3.00/4.00 P.M. she was cooking food in her house. Her daughter was playing with her brother. At that time, accused Ram Niwas came in the house and committed an obscene act with her daughter finding her alone on ground floor of the house. As a result, her

daughter hid herself in a room due to fear. Details of the act are contained in the FIR. Pursuant to FIR, investigation ensued. During trial, prosecutrix and her mother appeared as PW-1 & PW-2. They were cross-examined at length. Case is now at the stage of recording statement of the accused under section 313 Cr.P.C. Under the circumstances, I find no ground to recall the witnesses. There is no infirmity with the order passed by the trial court. It appears, only effort by the petitioner is to delay the proceedings. The petition is without any merit and is hereby dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

November 30, 2015  
'Rajpal'