

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

CRM-M No.40566 of 2015

Date of Decision:-15.12.2015

Juhrudeen.

.....Petitioner.

Versus

Jan Mohammad & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jangvir Singh Hooda, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The Petitioner(complainant) has filed this petition to challenge the orders passed by the Courts below whereby the application under Section 311 Cr.PC was declined. The petitioner intended to adduce additional evidence by re-examining the witnesses who have already testified during the proceedings.

The prosecution is based on a criminal complaint filed by the petitioner and the orders pertain to juvenile Khursheed who is facing proceedings before the Principal Magistrate, Juvenile Justice Board, Mewat. The petitioner has claimed that the juvenile is major and to prove it additional evidence is required to be adduced.

The courts have declined the prayer on the ground that the witnesses have already testified and have proved the documents Ex.C1 to

Ex.C5. It is also noticed that previously also an application for declaring the juvenile as major was rejected on 27.11.2014 and the order was further upheld by the Revisional Court on 18.12.2014.

Counsel for the petitioner heard at length.

The witnesses were brought by the complainant himself as it is a complaint case and the issue already stands settled in this regard by rejecting the application on 18.12.2014. It is not open for the petitioner to raise the same issue and that also by way of an application under Section 311 Cr.PC. The Courts have considered the prayer in accordance with law and have passed a well reasoned order. The orders passed by the Courts below does not suffer from any illegality and, therefore, no ground is made out to invoke the inherent powers under Section 482 Cr.PC.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

December 15, 2015
Vinay