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

CRM-M-7499 of 2015

Date of Decision: August 26, 2015.

Balwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Ghuman, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J.

Petitioner has filed this petition challenging the order dated 23.02.2015 (Annexure P-1).

Learned counsel for the petitioner has submitted that trial Court had erred in allowing the application moved by the prosecution for recording supplementary statement of the petitioner under Section 313 of Code of Criminal Procedure, 1973 ('Cr. P.C. for short). Learned counsel has further submitted that prosecution could not be allowed to fill up the lacuna in its case.

Learned State counsel, on the other hand has opposed the petition.

Petitioner is facing the trial in FIR no.180 dated 08.08.2008, under Sections 354, 323, 506 of Indian Penal Code, 1860, registered at Police Station Sadar Phagwara,

District Kapurthala. Statement of the petitioner was recorded under Section 313 Cr. P.C. Thereafter, an application was moved by the prosecution that certain material evidence and incriminating circumstances could not be put to the petitioner when his statement was recorded under Section 313 Cr. P.C. Hence, it was prayed that supplementary statement of the petitioner be recorded. In case, supplementary statement of the petitioner is recorded under Section 313 Cr. P.C., he does not suffer any prejudice. The object of recording statement under Section 313 Cr. P.C. is that the accused gets an opportunity to explain the incriminating circumstances brought on record by the prosecution during trial. Hence, the impugned order passed by the trial Court, whereby, application moved by the prosecution for recording supplementary statement of the petitioner under Section 313 Cr. P.C. was allowed, does not suffer from the vice of illegality and calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

August 26, 2015
mahavir