

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

CRM-M-13902-2016

Date of decision: April 26, 2016

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ravinder S. Budhwar, Advocate for the petitioner.

Rajan Gupta, J.

In this petition under section 482 Cr.P.C., petitioner, who is accused in the case, has impugned the order dated 28.08.2015, passed by Sessions Judge, Sonapat, whereby application under section 311 Cr.P.C. filed by the him has been dismissed.

The order has been assailed on the ground that trial court has not appreciated the plea of the petitioner in correct perspective, as PW-1 Sandeep had not been adequately cross-examined and material questions could not be put to him. Powers under section 311 Cr.P.C. are wide, thus, the court ought to have allowed the application.

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

FIR No.447 dated 24.10.2014 was registered against the accused (petitioner herein) under sections 323/302 IPC at Police Station Sonapat City. After completion of investigation, challan was presented

before the court and charge was framed. After Sandeep was examined as PW1, petitioner moved application under section 311 Cr.P.C. for his further cross-examination. The trial court, however, dismissed the same on the ground that there is nothing to show that material questions have not been put by the defence counsel at the time of cross-examination of the said witness as the witness was cross-examined at length.

I find no infirmity with the order. It is apparent that petitioner was granted sufficient opportunities to defend his case. The witness has already been cross-examined at length. The discretion conferred in Section 311 Cr.P.C. is wide but to be exercised judiciously. It appears, petitioner only wants to delay the trial. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 26, 2016
'Rajpal'