

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

CRL. MISC. No.M-22029 OF 2016
DATE OF DECISION : 24th AUGUST, 2016

Amit @ Monu & others

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Neeraj Kumar, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

In the present petition there is challenge to order dated 06.05.2016 by which the learned trial judge declined to grant adjournment to the petitioners who had claimed the same on the ground that the defence counsel Ravi Kataria was suffering from food poisoning and was therefore, could not able to cross-examine the witnesses present in the court on that date. The trial Court, having rejected the prayer for adjournment, went on to record the evidence of the witnesses present and then they were discharged without any cross-examination.

Reply filed by the learned State counsel is taken on record.

In my opinion, in the Sessions trial, though the witnesses had come, the trial Judge ought not to have declined the prayer for adjournment, as the reason for adjournment was not false but was

reasonable. At the most the trial Court could have put some costs as the witnesses have attended the Court. But then denying the opportunity of cross-examination of the prosecution witnesses would lead to the multiplicity of the proceedings. It should have been avoided.

In that view of the matter, I think the impugned order has to be set aside and the petitioners will have to be given a chance to cross-examine the witnesses which the prosecution has examined before the trial Judge, subject to payment of costs.

In view of the above, the petition is allowed. Impugned order dated 06.05.2016 is set aside and the trial Court is directed to recall the witnesses and give effective opportunity to the petitioners to corss-examine the prosecution witnesses, subject to the payment of costs of ₹500/- each petitioner to be deposited as a pre condition within ten days.

24th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE