

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

CRM M-28313 of 2015

Date of decision : 17.05.2016

Ashok Kumar

....Petitioner

V/s

Lakhwinder Singh @ Lakha & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. Rajiv Joshi, Advocate for respondents no. 1 to 3.

Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

Challenge in the instant case is to order dated 13.08.2015 passed by Judicial Magistrate Ist Class, Sunam whereby evidence of the prosecution has been closed by order. Order has been assailed on the ground that wide powers are conferred on the trial court under section 311 Cr.P.C. for recalling a witness for examination. After opportunity was granted in terms of said provision, trial court erred in closing the evidence.

It appears that an application in under section 311 Cr.P.C. was moved before the trial court by prosecution for examining a clerk from the office of Sub Registrar. Trial court accepted the plea and granted one opportunity to the prosecution to examine said witness. On the next date i.e. 13.08.2015, prosecution failed to produce the witness. Thus, trial court was left with no option but to close the evidence. I find no infirmity with the order. Admittedly, FIR was registered way-back in the year 2008.

Proceedings are pending since then. On earlier occasion also similar applications under section 311 Cr.P.C. have been moved. Further delay in conclusion of trial would only deprive the parties of their right to get speedy justice. There is, thus, no merit in the petition. Dismissed.

May 17, 2016

Ajay

(RAJAN GUPTA)
JUDGE