

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29423 of 2016

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Date of decision:24.8.2016

Pitamber Dayal and others

...Petitioners

v.

State of Haryana and another

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Satpal Singh, Advocate for the petitioners.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. against the order dated 12.7.2016 passed by learned JMIC, Faridabad, in case No.27A arising out of FIR No.141 dated 30.3.2007, titled as “State Vs. Bijender”, whereby the learned Judicial Magistrate Ist Class dismissed the application filed under Section 311 Cr.P.C. by the petitioners for recalling of one official witness/prosecution witness i.e. PW-4 Munshi Ram, SI for cross-examination.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application was filed by the present petitioners/accused for recalling official witness, namely, Munshi

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Ram, SI for further cross-examination. A perusal of the order dated 12.7.2016 passed by the learned Judicial Magistrate Ist Class, Faridabad, shows that nothing is there to show as to what material questions could not be asked from this witness, namely, Munshi Ram, SI, when he appeared and cross-examined as a prosecution witness. As per the impugned order, SI Munshi Ram has only deposed regarding partial investigation conducted in this case qua recording of statements of some witnesses under Section 161 Cr.P.C. Recalling of additional evidence can be allowed if it is necessary for the just decision of the case. Nothing has been shown as to how the cross-examination of this witness, who has only recorded the statements of some witnesses under Section 161 Cr.P.C., is necessary for the just decision of this case. Nothing is there nor argued before me as to what relevant questions have not been asked from the aforesaid witness.

Therefore, the impugned order passed by the Judicial Magistrate Ist Class, Faridabad, is correct as per law and does not require any interference from this Court.

Therefore, finding no merit in this petition, the same is dismissed.

August 24, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No