

CRM-M-35457-2016

Date of Decision : 20.10.2016

Sachin Batra

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Kamaljeet Singh Sidhu, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is an accused in a case of assault. PW-2, Narinder Kumar, an eyewitness has been examined in chief but cross-examination of the said witness has been treated as Nil vide impugned order dated 30.08.2014, in the absence of defence counsel but in presence of the accused, as is apparent from the order dated 30.08.2014 Annexure P-2. The cross-examination of PW Narinder Kumar is important and relevant not only from the point of view of the accused persons but also for just decision of the case to enable the Court to arrive at a fair conclusion regarding the culpability of the accused. Since the case is still pending for the examination of remaining prosecution witnesses, the provisions of Section 311 Cr.P.C. can be invoked by the petitioner for re-summoning of PW Narinder Kumar for cross-examination.

In case, the trial Court feels that prejudice is being caused to the expeditious disposal of the case, on account of any conduct of the petitioner or his counsel, it is always open to the Court to impose reasonable costs on the petitioner as per the provisions of explanation 2

to Section 309 Cr.P.C.

This petition is disposed of as premature at this stage without prejudice to the right of petitioner to avail the remedy under Section 311 Cr.P.C.

(M.M.S. BEDI)
JUDGE

20.10.2016
Neha

Whether Speaking/Reasoned: Yes/No

Whether Reportable: Yes/No