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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.41768 of 2016
Date of Decision : 22.11.2016

Bhupinder Singh and others

..... Petitioners

Versus

Union Territory, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Vishal Deep Goyal, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

By this petition the petitioners have challenged the order dated 11.11.2016 whereby an application under Section 311 Cr.P.C. filed by the complainant has been allowed.

Learned Senior Counsel has argued that in this case the Court was constrained to close the prosecution evidence by order in view of the inordinate period of time and the number of opportunities which the prosecution had already availed to led evidence and consequently this application at the instance of the complainant would amount to review of the order closing the evidence and is therefore not permissible.

In this case two things stand out. Firstly, the evidence now sought to be led is of two doctors who at the time of the reporting of the injured in the hospital had examined him and whose notes appear on the

Medico Legal Report. Consequently, this is a case where the evidence already exists but the doctors have been examined only to make the same admissible. Secondly and more importantly, the trial Court had itself categorically stated that the prosecution would be given only one opportunity to examine those two witnesses and that too tomorrow i.e. 23.11.2016 and no further opportunity would be granted. In my opinion, this safeguard would render the balance in favour of the application.

In the circumstances, this petition is disposed of with the reiteration that no further opportunity would be granted to the prosecution after 23.11.2016.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

A copy of this order be given to the learned counsel under the signatures of the Bench Secretary.

November 22, 2016
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No