

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-8044-2016

Date of decision: April 05, 2016

Ms. Jills Mohan

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jitin Sahni, Advocate for the petitioner.

Rajan Gupta, J.

In this petition under section 482 Cr.P.C., petitioner, who is accused in the case, has impugned the order dated 6.2.2016, passed by Judicial Magistrate 1st Class, Gurgaon, whereby application under section 311 Cr.P.C. filed by the her has been dismissed.

The order has been assailed on the ground that trial court has not appreciated the plea of the petitioner in correct perspective as complainant had not been adequately cross-examined and material questions could not be put to him. Powers under section 311 Cr.P.C. are wide, thus, the court ought to have allowed the application.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR No.746 dated 25.10.2013 was registered against the accused (petitioner herein) under sections 408, 180 IPC at Police Station Civil Line, Gurgaon. After completion of investigation, challan was

presented before the court and charge was framed. After complainant namely, Chitranjan Arya was examined as PW1, petitioner moved application under section 311 Cr.P.C. for his further cross-examination. The trial court, however, dismissed the same on the ground that there is nothing to show that material questions have not been put by the defence counsel at the time of cross-examination of the said witness.

I find no infirmity with the order. It is apparent that petitioner was granted sufficient opportunities to defend her case. The complainant has already been cross-examined at length. The discretion conferred in Section 311 Cr.P.C. is wide but to be exercised judiciously. It appears, petitioner only wants to delay the trial. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 05, 2016
'Rajpal'