

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-9801-2016 in/&
CRM No.M-8718 of 2016 (O&M)
Date of decision: March 28, 2016.

Jagdeep Singh

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Vikas Bali, Advocate for the petitioner.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

CRM-9801-2016

CRM allowed and Annexure P-8 is taken on record.

Main case

Heard.

Impugned in the present petition is the order dated 20.2.2016 (Annexure P-7) passed by learned Judicial Magistrate First Class, Ludhiana whereby the application filed by the complainant under Section 311 Cr.P.C. was allowed and the complainant-PW1 was ordered to be recalled for further cross examination.

Perusal of the impugned order shows that the complainant was examined and partly cross examined. Thereafter, according to the complainant, an appeal was filed against the order dated 31.8.2013 and the file was appended with the appeal file. Therefore, due to inadvertence,

the complainant could not appear for further cross examination and closed his evidence. Learned counsel contends that the file was not summoned in appeal and that the complainant wanted to fill up the lacunae in the case. He has cited the authority Rajaram Prasad Yadav v/s State of Bihar and another, 2013(3) RCR (Crl.) 726.

After going through the impugned order, I am of the view that the complainant was examined in chief and cross examined in part and further cross examination was left due to inadvertence. The further cross examination was not treated as nil. The complainant suffered the statement and further evidence of the complainant was closed by court order.

The lower court found that the further cross-examination of the complainant is necessary. I am of the view that the further cross examination of the complainant will only bring out the truth. Otherwise also, the complainant has already been partly cross examined. I do not find any illegality or perversity in the order dated 20.2.2016 passed by learned Judicial Magistrate First Class, Ludhiana.

Hence, the petition is dismissed.

March 28, 2016.
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[Kuldip Singh]
Judge