

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.192 of 2015 (O&M)

Date of decision: 15.01.2016

Satnam and others

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh Bansal, Advocate for the petitioner
Ms.Supriya Arora, Addl.G. A. Haryana
Mr.Inderjit Singh, Advocate for the complainant

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

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 12.1.2015, passed by the learned Additional Sessions Judge, Ambala, vide which, on the application filed by the prosecutrix u/s 311 Cr.P.C. she was recalled for re-examination.

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out that the prosecutrix was earlier examined in the Court wherein she did not support the prosecution case. However, when the case was at final stage, the prosecutrix moved an application for her re-examination, stating that she was allured by the accused as she was given an assurance that the accused will marry

her but now he has resiled from his promise. The accused threatened the prosecutrix that he will kill the parents of the prosecutrix if favourable statement is not given.

Learned Additional Sessions Judge, Ambala, after examining the arguments of both the parties, passed the impugned order giving the following reasoning:-

“According to the birth certificate, she was below 18 years of age at the time of alleged incident. Now, she again desired to make her statement in the Court to explain the facts relating to the present case. The fact that she was under the treat of accused at any part of time and the fact of her leaving home without any allurement of accused, are the facts touching the merits of the case. The credibility of her testimony shall be gathered at relevant stage of proceedings. Therefore, in the interest of justice, present application under Section 311 Cr.P.C. Is allowed.”

I am of the view that in this case, the prosecutrix was stated to be below 18 years of age. Earlier during examination, she did not support the prosecution version. Now she claims that the accused had also promised to marry her but now after her examination, he has resiled from his promise and now accused has threatened to kill her parents. Under Section 311 Cr.P.C., the trial Court has wide powers to recall or re-examine any witness. These powers have been exercised by the learned Additional Sessions Judge, Ambala after giving sound reasoning. Effect of the earlier

statement and the statement to be recorded in Court will be assessed at the final stage.

Therefore, exercising the revisional powers , I do not find any ground to interfere in the impugned order.

Resultantly, the present petition is dismissed.

15.01.2016
gk

(Kuldip Singh)
Judge