

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

Crl. Revision No.1113-2016 (O&M)
Date of decision: May 31, 2016

Vikas Attri ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Tewatia, Advocate for the petitioner.
Ms. Tanushree, Deputy Advocate General, Haryana.

Rajan Gupta, J.

This is a revision petition against the order dated 05.03.2016, passed by Additional Sessions Judge, Panipat, whereby application under section 311 Cr.P.C. filed by the accused/petitioner 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. 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.33 dated 29.05.2015 was registered against petitioner Vikas Attri and one Vikas Sharma under sections 7, 8, 13 of the Prevention of Corruption Act, 49/1988 and 120-B IPC at Police Station State Vigilance Bureau (H), Rohtak. Thereafter, prosecution examined 18 witnesses and closed its evidence and statement of accused under

section 313 Cr.P.C. was recorded. When case was fixed for defence evidence, accused/petitioner moved application under section 311 Cr.P.C. for recalling PW4 Deepak for further cross-examination. The prayer has been rejected by the trial court observing that the said witness had already been cross-examined at length by counsel for accused. The petitioner has not been able to point out any relevant question left to be put to the said witness in his cross-examination.

I find no infirmity with the order. Mere change of counsel cannot be considered as sufficient ground for recalling the witness. It is apparent that trial is nearing its culmination. It appears, application under section 311 Cr.P.C. has been moved by the petitioner only to delay the trial. The trial court has, thus, rightly rejected the application. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

May 31, 2016
'Rajpal'