

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

Crl. Rev. No.1190 of 2016
Date of Decision: 28.03.2016

Vivek

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sunil Saharan, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This revision petition has been filed to challenge the impugned order dated 15.03.2016 passed by the Additional Sessions Judge-cum-Judge Special Court for heinous crime against Women, Hisar, whereby, an application dated 20.08.2015 moved by the petitioner under Section 311 Cr.P.C for recalling of the witnesses i.e PW-1 and PW-3 has been dismissed.

Learned counsel for the petitioner submits that certain relevant questions were put to the doctor as well as to the victim but the DNA report was not available, therefore, some of the questions could not be put to the said witnesses. Learned counsel also submits that subsequently, a compact disc was also received by the petitioner, which is essential for decision of the case and recalling of witnesses is also necessary.

Learned counsel for the petitioner has relied upon the

judgment of this Court in case ***Ravinder @ Binder vs State of Haryana*** passed in ***Criminal Misc. No.M-28367 of 2014***, decided on **26.09.2014**.

Heard the arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

Admittedly, the victim as well as the doctor were examined and cross-examined. What questions were to be put to the said witnesses have not been mentioned in the application. The DNA report is stated to be in favour of the accused then how the questions to be put to the said witnesses by recalling said witnesses is necessary. Simply by stating that the CD has been received by the petitioner and some questions are relevant is no ground for recalling of the witnesses. A perusal of impugned order shows that a detailed finding has been given. Moreover, the said witnesses have been examined and questions to be put to said witnesses are necessary to be explained by the petitioner.

No ground has been taken except that the DNA report was not available. Moreover, the earlier application filed by the petitioner has already been dismissed. The judgment relied upon by learned counsel for the petitioner is not applicable to the facts and circumstances of the present case.

No ground is made out to interfere with the impugned order dated 15.03.2016 passed by the Additional Sessions Judge-cum-Judge Special Court for Heinous Crime against Women, Hisar.

The petition is accordingly dismissed.

28.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE