

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

**CRR-3063 of 2016 (O&M)
Date of Decision: 30.08.2016**

Jagdish

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.G.S.Sandhu, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This revision petition has been filed against the order dated 05.08.2016 whereby, application under Section 311 Cr.P.C. for recalling PW-1 and PW-2 i.e. minor victim of the case has been dismissed.

The FIR was registered with the allegations that both the abovesaid witnesses were being harassed by their step father. The witnesses were examined at length. After examination-in-chief both the aforesaid witnesses were cross-examined at length. However, mother of the aforesaid witnesses appeared as PW3 and did not support the case of the prosecution version. Thereafter, application under Section 311 Cr.P.C. was made to recall the aforesaid witnesses has been rightly dismissed keeping in view of the law laid down in cases A.G. Vs. Shiv Kumar Yadav (SC) 2015 (4) RCR (Criminal) 312 and Ram Parsad Yadav Vs. State of Bihar 2013 (3) RCR (Criminal) 726, whereby, exercise of power under Section 311 of Cr.P.C. should be resorted to only with the object of finding out the truth or obtaining proper proof for such facts which will lead to just and correct decision of the case. It was further held that exercise of said power cannot

be dubbed as filling in lacunae in a prosecution.

In view of the above and considering the fact that witnesses i.e. PW-1 and PW-2 have been cross-examined at length, no ground is made out to recall these minor witnesses for further examination and the present petition is dismissed as such.

(RITU BAHRI)
JUDGE

30.08.2016
anil

Whether speaking/reasoned : *Yes/No.*

Whether reportable *Yes/No.*