

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

**CRL. REVISION No.3745 OF 2016 (O&M)
DATE OF DECISION : 11th NOVEMBER, 2016**

Devendra @ Devi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sunil Kumar Jha, Advocate for the petitioner.
 Mr. Surender Singh, AAG, Haryana.
 Mr. Jai Parkash Rana, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties and learned State counsel.

Learned counsel for the petitioner submits that he wants one more chance to cross-examine PW-1 Prashant Singh and PW-4 Deepak Rathore.

I have perused the impugned order by which the learned trial Court has found that the counsel for the petitioner was asking the questions which were not relevant. The trial Court went under anxiety as there was direction from this Court to dispose of the trial within specific period. I do not find anything wrong with the order of the trial court so far as the view taken by the trial Court that the questions were being asked from the witnesses were not relevant. But then the record shows that the petitioner has not made any cross-examination on the material particulars. The petitioner is likely to be prejudiced for no fault of his

since there is no cross-examination of the PWs on the material points, as also observed by the learned trial Judge.

Fairly, however, the counsel for the complainant has stated before me that since there is stipulation of completing the trial within specified time he and his witnesses themselves are ready for further cross-examination. But it should be completed within a stipulated period. According to him extension granted by this Court for completion of trial would end on 07.12.2016. By way of consent this court may allow the prayer made by the petitioner.

It is true that merely because the complainant concedes to the request made by the petitioner, this Court should not accept such a concession. But then from the reading of the cross-examination of the witnesses I find that the advocate for the petitioner did not at all ask the relevant questions regarding the material particulars. That may affect the concept of fair trial, in as much as the questions which are relevant, have not been asked. Now the counsel for the petitioner undertakes that he would not ask the question on material points only and would not ask irrelevant questions if the named witnesses are brought again for the cross-examination.

I accept the statement made by learned counsel for the petitioner. In ordinary course, this court would not have acted upon the concession. But then in the light of above discussion, without finding any fault with the impugned order, one more opportunity should be given, however, subject to payment of costs of ₹3,000/- to the complainant through the court process.

In the result this petition allowed in terms of prayer clause
'b' which reads thus:

*"b. The petitioner may be permitted to re-cross examine
the prosecution witnesses being PW-1 namely Prashant
Singh & PW-4 namely Deepak Rathore; and"*

Subject to payment of costs amount of ₹3,000/- which shall
be paid to the complainant within two weeks from today which shall be a
pre-condition. Time for completion of trial is further extended till
31.01.2017.

11TH November, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No