

109

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

**CRR No.4249 of 2016
Date of Decision:18.11.2016**

Anirudh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. Notice of motion.
2. On the asking of the Court, Mr. Ankur Jain, AAG, Punjab, accepts notice on behalf of the respondent-State.
3. This revision is directed against the order passed by the Ld. Judicial Magistrate First Class, Fazilka, on 19.09.2016. Ld. Magistrate was pleased to reject an application filed on behalf of the petitioner for recalling PW-8, who happens to be the Patwari of the local area for cross-examination. It has been made out that for the purpose of such cross-examination access to the "Sajra Akas and Rojnamcha Wakiati", was necessary, but those documents were not readily available with the said witness.
4. It has further been submitted that today is the date fixed in the Ld. Court below for examination of the remaining prosecution witnesses.
5. After hearing both the sides, this Court is of the opinion that one opportunity should be granted to the petitioner to cross-examine the witness (PW-8) as sought for, after the relevant documents become

available.

6. In the circumstances, it is directed that the Ld. Magistrate shall, before closing of the prosecution evidence otherwise, recall PW-8 for further cross-examination and re-examination, if so preferred by the prosecution, with a further direction that the said witness shall come to Court along with the relevant official documents in his custody to be specified on behalf of the petitioner i.e. the defence side.

7. The revision petition stands disposed of.

18.11.2016

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No