

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19403-2017 (O&M)

Date of decision: 31.10.2017

Kartar Singh and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Amit Dhawan, Advocate for the petitioner
Ms.Monika Jalota, DAG Punjab
Mr.Sunil Agnihotri, Advocate for respondent no.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Prayer made in the present petition is for directing the learned Sub Divisional Judicial Magistrate, Mukerian to complete the trial within three months and also for directing the said Court to ensure the conducting of cross-examination of the complainant Narinderjitjit Kaur Chauhan through Video Conferencing in compliance of the order dated 13.11.2014 passed by this Court in CRM-M-23120-2013.

Heard.

Perusal of the order dated 13.11.2014 passed by this Court in CRM-M-23120-2013, shows that one Narinderjit Kaur Chauhan, who is living in Germany, is to be cross-examined through Video Conferencing, for which, a suitable date was to be fixed and on that date, counsel for the accused shall remain present to cross-examine the witness. Perusal of the interim orders passed by learned Sub Divisional Judicial Magistrate, Mukerian shows that date and time of availability of witness was conveyed by father of the complainant Gurbachan Singh. He has also provided a Skype ID of the complainant as reflected in the interim order passed by

learned Sub Divisional Judicial Magistrate, Mukerian dated 24.12.2014. Thereafter, learned Sub Divisional Judicial Magistrate, Mukerian has chosen to write a communication to the learned Sessions Judge, Hoshiarpur for providing infrastructure and till date he is waiting for the response of the said letter.

I am of the view that once Skype ID was provided by the father of the complainant and date and time was also provided, the trial Court should have proceeded to comply with the order of this Court.

As such, in continuation of the earlier directions contained in order dated 13.11.2014 passed by this Court in CRM-M-23120-2013, a further direction is issued to learned Sub Divisional Judicial Magistrate, Mukerian that on the Skype ID provided by father of the complainant or through any mode i.e. Whatsapp, on the mobile or on the computer, the trial Court shall conduct Video Conferencing to record evidence. For this purpose, the complainant is directed to provide a suitable time and date of within next one month, when the witness Narinderjit Kaur Chauhan shall be available for cross-examination and on the said date and time, trial Court shall not grant any adjournment to either party and both the counsel shall remain present in Court. The compliance report be submitted to this Court. Thereafter, the trial Court shall proceed to conclude the trial expeditiously and also submit the report to this Court that the trial has been concluded.

The present petition is disposed of with afore-mentioned directions.

31.10.2017
gk

Whether speaking/ reasoned:
Whether Reportable:

(Kuldip Singh)
Judge

Yes
No