

CRM-M-28370-2017(O&M)

Date of decision:08.08.2017

Kulbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Buta Singh Bairagi, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

The present petition has been filed under Sections 482 Cr.P.C. for praying to set aside the impugned order dated 10.07.2017 (Annexure P-2) passed by the learned Judicial Magistrate First Class Moga, dismissing the application of the petitioner to further cross-examine PW-7 Jagmohan Singh, S.P., Investigating Officer, Tarn Taran.

A perusal of the record shows that the statement of aforesaid witness was recorded on 04.03.2016 and on that day, the petitioner along with his counsel were present in the Court and their presence were duly marked and signatures of the petitioner was also taken on the order sheet.

The instant application has been filed after a gap of 14 months. The prosecution evidence was closed by the Court vide order dated 05.05.2017 and the statement of the accused under Section 313 Cr.P.C. has already been recorded. The petitioner-accused has already availed more than two opportunities for leading his defense evidence and only thereafter, this application for further cross-examination has been filed.

The trial Court, while passing the impugned order has categorically held that the witness was cross-examined by the other co-accused of petitioner at length and in case, the proper opportunity was not

afforded to the petitioner, he could have moved an application immediately thereafter. But the application has been filed at the fag end of the defence evidence in order to delay the conclusion of the trial Court. It is not disputed that more than 33 dates were taken in between and the application is filed after a delay of 14 months. No plausible explanation is given regarding the further cross examination of the witness.

Heard.

No merits. Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

08.08.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No