

CRM-M-34004-2016 (O&M)

Date of decision: 17.08.2017

Balraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing the order dated 05.09.2016 (Annexure P-1) passed by the learned Chief Judicial Magistrate, Faridabad vide which cross-examination of two PWs namely, Randhir Singh and Sajjan Singh who were recorded as nil on account of the fact that learned counsel for the petitioner did not appear to cross-examine them.

It is submitted on behalf of learned counsel for the petitioner that the petitioner-accused is regularly appearing before the trial Court and facing the trial and on the previous date on account of non-availability of the defence counsel, the trial Court has ordered that the cross-examination is nil because despite opportunity, no cross-examination was done.

Learned counsel for the petitioner further submitted that right to non-examine is given to an accused person to set up his defence and put up the same to the prosecution witnesses in order to prove his innocence.

It is further submitted by learned counsel for the petitioner that if, one opportunity is granted to the petitioner, he will conclude the cross-examination of both the aforesaid prosecution witnesses.

On the other hand, learned State counsel has opposed the prayer on the ground that the petitioner was delaying the trial and that is why the cross-examination was not done.

After hearing learned counsel for the parties, the impugned order dated 05.09.2016 is set aside and one more effective opportunity is granted to the petitioner to cross-examine both the PWs namely Randhir Singh and Sajjan Singh, however, subject to payment of costs of Rs.5,000/-, to be deposited with the District Legal Services Authority, Faridabad.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

17.08.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No