

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

Crl. Misc. No. M-3429 of 2017

Date of decision:- 02.02.2017

Kamaljeet Kaur

...Petitioner

versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. D.V. Dhindsa, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Challenge in the present petition is to the order dated 19.01.2017 passed by learned ASJ, Ambala whereby the revision petition filed by the petitioner against order dated 07.12.2016 passed by learned SJM Naraingarh, Ambala (Annexure P-4) vide which the evidence of the prosecution was closed by order of Court.

A perusal of the impugned orders shows that it is a matrimonial dispute in which the complainant was admitted in hospital after she had suffered injuries from the husband and MLR was conducted in this regard as well but prosecution did not array the doctor as one of the prosecution witness, which was necessary to prove the MLR. Even though one application under Section 311 had been allowed granting one opportunity to the prosecution to examine the doctor who conducted the treatment but the evidence could not be produced and the opportunity granted for additional evidence was closed on 07.12.2016. The impugned order dated 19.01.2017 further shows that even the complainant has not been cross examined as well.

Keeping in view the fact that Doctor from Government

Hospital, Ambala who conducted the treatment would be necessary witness as he has to prove the MLR of the complainant, orders dated 19.01.2017 (Annexure P-6) and 07.12.2016 (P-4) are hereby set aside and the instant petition is ***allowed*** and the trial Court is directed to give one opportunity to the petitioner to examine the doctor, subject to payment of Rs.2000/- as cost to be deposited before the District State Legal Service Authority, Ambala.

February 02, 2017
G Arora

(***RITU BAHRI***)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>