

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

CRM-M-43480 of 2016 (O&M)

Date of decision: 02.11.2017

Suman

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Verma, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. B.S. Mittal, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of impugned order dated 11.11.2016 (Annexure P-4), passed by Addl. Sessions Judge, Sirsa, dismissing the revision petition filed by the petitioner/complainant against the impugned order dated 28.07.2016 (Annexure P-3), passed by Addl. Chief Judicial Magistrate, Sirsa, whereby the application under Section 311 Cr.P.C., for further cross examination/re-examination of the petitioner was dismissed.

It is contended that the statement recorded before the competent Court was under pressure and duress, therefore, the true

facts could not come on record. On the basis of the statement of the petitioner, she was declared hostile. The assertion that the statement was made under pressure has not been considered by the Courts below.

On the other hand, learned counsel for the State as well as learned counsel for respondent No.2 oppose the prayer made in the present petition and state that the application has been rightly rejected by the Courts below.

Heard.

The learned Court of ACJM, vide order dated 28.07.2016, recorded that petitioner appeared as witness on 07.07.2014 and was examined in chief. On the request of learned Addl. Public Prosecutor, she was cross examined as she did not support the prosecution version. Though the application in question was filed on the very same day, however, nothing has come on record as to what was the pressure on the petitioner. The revision petition preferred by the petitioner was dismissed, vide order dated 11.11.2016 (Annexure P-4), by holding that the statement of the complainant/petitioner was recorded under oath and application under Section 311 Cr.P.C., was neither signed by the complainant nor was accompanied by an affidavit.

At this stage, learned counsel for the petitioner submits that the deficiency before the revisional Court has been made good

and the present petition is duly signed and accompanied by duly sworn affidavit. However, the fact that as to why the petitioner did not come with the correct version and what was the pressure under which the earlier statement was made has still not been unfolded. In these circumstances, the Court feels that there is no ground to interfere in the well reasoned orders, passed by the Courts below. Accordingly, the instant petition is dismissed.

02.11.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No