IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-48937 of 2017
Date of Decision : 20.12.2017

Rakesh Jain ...Petitioner

Versus

Mohd. Shehzad ...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Anupam Singla, Advocate for the petitioner.

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Anupinder Singh Grewal, J.(Oral)

The petitioner has challenged the order dated 29.08.2017 (Anexure P-1), whereby the application of the petitioner under Section 311 Cr.P.C. for recalling the complainant has been dismissed and the order dated 02.12.2017 (Annexure P-2), whereby his revision there against has also been dismissed.

Learned counsel for the petitioner contends that when the complainant had been cross-examined on 05.06.2017, he had been directed by the trial Court to bring a passbook of bank and income tax return of the shop of his brother on the next date of hearing. However, his evidence was closed on that very day itself, which was not in the knowledge of the petitioner. He states that only one opportunity may be given to the petitioner to complete the cross-examination of the complainant subject to reasonable costs.

Heard.

It is apparent that on 05.06.2017 the complainant had been directed to bring the documents. His evidence was closed on that very day. However, the statement of the complainant had been recorded on 14.06.2017 that he had neither found the passbook nor copy of income tax return of the shop of his brother and, therefore, could not produce both the documents. It would, thus, be in the interest of justice, if the petitioner is granted one opportunity to cross-examine the complainant.

Consequently, the impugned orders dated 29.08.2017 and 02.12.2017 are set-aside. The petitioner shall be granted one opportunity to cross-examine the complainant subject to payment of costs of ₹5000/- to be paid in District Legal Services Authorities, Sangrur.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
December 20, 2017 JUDGE
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Whether speaking/reasoned? *Yes*
Whether reportable? *No*