

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

**Crl. Misc. No. M-5013 of 2017
Date of decision : 16.02.2017**

KulwantPetitioner
versus
State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

RITU BAHRI, J. (Oral)

Prayer in this petition is for setting aside order dated 14.12.2016 vide which the application of the petitioner for re-examination of P.W.1 has been dismissed.

Learned counsel for the petitioner contends that prosecutrix Rinki was examined in the Court and was also cross examined but since her statement recorded under Section 161 Cr.P.C on 05.06.2016, which was supplied to the petitioner along with challan file was not on judicial file at the time of examination of prosecutrix as P.W.1, therefore, the petitioner's counsel could not confront her with the above said statement dated 05.06.2016.

This argument is liable to be set aside as the Court below while passing the impugned order has categorically held that the victim was never asked whether her statement was also recorded by the police on 05.06.2016. Had the victim denied the statement, then the situation would have been different.

In view of the above factual position, no ground is made out to interfere in the impugned order.

The petition stands dismissed.

16.02.2017
G Arora

**(RITU BAHRI)
JUDGE**

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