

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

CRM-M No.789 of 2017

Date of Decision: January 13, 2017

Ajay Kumar

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikram Bali, Advocate for
Mr. Sunil Dixit, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The evidence of the prosecution was closed by order of the Court on 03.01.2017.

It was noticed that despite thirty effective opportunities, the prosecution has failed to lead its entire evidence. Further adjournment was not thought appropriate and the evidence of the prosecution was closed by order of the Court.

Even before the date of closing of the evidence of the prosecution, an application under Section 311 Cr.P.C. was filed by the victim seeking to recall PW1 Smt. Manoj Kaushik for

further cross-examination.

The said application was not decided before closing of the evidence of the prosecution.

At this stage, this petition can be disposed of by directing the Judicial Magistrate Ist Class, Gurgaon to decide the application under Section 311 Cr.P.C. in accordance with law.

In case, decision of the Judicial Magistrate Ist Class, Gurgaon goes otherwise, the petitioner would be at liberty to assail order dated 03.01.2017 along with the order so passed on the application under Section 311 Cr.P.C. in accordance with law.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

January 13, 2017

jyoti Y.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No