

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

-.-

Crl. Misc. M 1423 of 2017
Date of decision: 24.04.2017

Sonu alias Sone Lal

..... Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sudesh Sahi, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The petitioner directs challenge against order dated 27.02.2017 passed by the Additional Sessions Judge, Pathankot whereby application filed by the petitioner/accused under Section 311 of the Code of Criminal Procedure for recalling Dr. Kusum and Dr. Rohit Kumar from CHC, Pathankot for further cross examination has been dismissed.

Counsel for the petitioner has submitted that as the petitioner wants to put certain more questions to aforesaid doctors, they are required to be recalled for the purpose of further cross examination. It is further submitted that no prejudice would be caused to the prosecution, in case prayer made by the petitioner is allowed.

I have heard counsel for the petitioner and perused the paper book but find that the petition is devoid of merit and deserves to be dismissed.

The trial Court, in the operative part of the order, has noticed

that due opportunity was given to the petitioner to cross examine the witnesses. No reason has been assigned as to why the witnesses are required to be recalled. As such, satisfaction of the defending counsel is not sufficient to seek recall of witnesses.

On a pointed query raised by the court, counsel for the petitioner has fairly informed that in the application filed by the petitioner, no reason much less tangible one has been given to justify recalling of the doctors for their further cross examination. That being so, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

24.04.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No