

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.181 of 2017
Date of Decision: October 30, 2017

Vijay Singh Rana

...Petitioner

Versus

Amarjit Singh Sandhu

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.L.M.Gulati, Advocate,
for the petitioner.

Mr.R.D.Bawa, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner has approached this Court challenging the order dated 11.1.2017 passed by the Judicial Magistrate Ist Class, Amritsar, whereby cross-examination of the complainant, i.e., Amarjit Singh (CW-1) has been ordered to be treated as 'Nil'.

Mr.L.M.Gulati, learned counsel for the petitioner submits that the counsel for the petitioner remained present before the trial Court till 1.00 PM for conducting the cross-examination of the complainant, but the counsel for the complainant was not available and this information was given by the Clerk, due to which the cross-examination was not conducted before lunch. However, since the counsel for the accused-petitioner before the trial Court was not feeling well after lunch, he went to the doctor to take medicine and after taking medicine, when he came back, the cross-examination of the witness has been ordered to be treated as 'Nil'.

Learned counsel for the petitioner submits that in case one opportunity is granted to the accused-petitioner, he will cross-examine the complainant subject to any conditions as deemed appropriate by this Court.

Mr.R.D.Bawa, learned counsel appearing on behalf of the complainant-respondent submits that the petitioner had already availed nine opportunities for cross-examination of the complainant and, therefore, rightly so his cross-examination has been treated as 'Nil'. No useful purpose would be served in granting one opportunity.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that in order to prevent miscarriage of justice and to do justice, one opportunity should be granted to the petitioner to cross-examine the complainant subject to payment of ₹10,000/- as costs, to be paid to the complainant. The trial Court shall fix a date for cross-examination of the complainant, on which date he shall be produced, failing which the impugned order shall come into operation.

Resultantly, the impugned order is set-aside and the petition is disposed of with the aforementioned directions.

October 30, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No