

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

Crl. Revision No.2739 of 2017 (O&M)
Date of Decision: August 10, 2017

Laludeen

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohd. Salim, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

Through the instant criminal revision, the petitioner has challenged the order dated 06.07.2017 passed by learned Additional Sessions Judge, Jalandhar, dismissing the application moved by the petitioner under section 311 Cr.P.C. for further cross-examination of PW1 and PW2.

Counsel for the petitioner contends the petitioner has moved an application before the trial court under Section 311 Cr.P.C. on the ground that defence could not cross examine and ask the material questions from PW1 and PW2, but the same has wrongly been dismissed vide the impugned order. It is argued that further cross-examination of PW1 and PW2 is necessary in the light statement made by the prosecutrix, by way of an affidavit in the High Court, therefore, the impugned order is liable to be set

aside.

I have heard counsel for the petitioner.

Vide the impugned order dated 06.07.2017, learned Addl. Sessions Judge, Jalandhar, has dismissed the application moved by the petitioner under Section 311 Cr.P.C. and observed as under:-

“3. The perusal of the file shows that PW-1, the victim was examined in chief on 20.10.2015 and thereafter, her cross-examination was conducted on 23.12.2015, 10.02.2016 and 23.03.2016 running in about 9 pages. Similarly, examination in chief of PW2 (sic. PW1) Meena was recorded on 20.10.2015 and cross-examination was deferred on 23.12.2015 and recorded on 03.05.2016 also running in about 4 pages. Therefore, the averments that all these witnesses have not been properly examined, does not seems to be correct nor inspire confidence of the court, more so when once the witnesses were in the witnesses box and cross-examined at length. Cross-examination had been deferred time and again. It can be safely presumed that defence was given sufficient opportunity to cross-examine these witnesses. Hence I find that there is no reason to recall the said witnesses for further cross-examination.”

Counsel for the petitioner has failed to point out any infirmity and illegality in the impugned order, so passed. Perusal of the impugned order shows that after recording the examination-in-chief of both PW1 and PW2, their cross-examination were conducted on different dates. Moreover, cross-examination of PW1 (victim) was conducted on three different dates.

Further, cross-examination of both the witnesses have been conducted at length by the defence, running into 9 and 4 pages respectively. All these facts goes on to show that sufficient opportunity was granted to the defence, to cross-examine both these witnesses. Merely because, after the conclusion of evidence of PW1 and PW2, the prosecutrix (PW1) has given any affidavit, is not a ground to recall and further cross-examine her.

In view of the above, the impugned order does not suffer from any illegality.

Accordingly, the revision in hand stands dismissed, being devoid of any merits.

August 10, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No