

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

CRR-3071 of 2017
Date of decision: 4.9.2017

Ravan @ Parvej

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Saurabh Bhardwaj, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 14.8.2017 passed by the Court of learned Sessions Judge, Kurukshetra, vide which she had dismissed application moved under Section 311 Cr.P.C. for recalling PW1 – Gurdeep complainant for the purpose of further cross-examination.

Briefly stated, facts of the case are that accused Ravan alias Parvej has been facing trial for the offence under Section 379-A IPC in the Court of Sessions Judge, Kurukshetra. Earlier, he was being represented by Ms.Manju Sharma, Legal Aid counsel, when statement of PW1 Gurdeep – complainant was recorded and subsequently accused engaged another counsel namely Sh.Devender Mann, Advocate, who then

moved an application under Section 311 Cr.P.C. contending that previous counsel did not put important questions to the witness, therefore, witness be recalled. However, learned Sessions Judge, Kurukshetra vide detailed order dated 14.8.2017 dismissed the application, which left the accused aggrieved and he has filed the present revision petition.

I have heard learned counsel for the revision - petitioner besides going through the record.

The revisional jurisdiction is quite limited. The higher Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order or the same is perverse. The impugned order is certainly not of that type calling for interference by this Court while exercising revisional jurisdiction. Learned Sessions Judge, Kurukshetra has given valid reasons for dismissal of the application relying upon the law laid down by Hon'ble Apex Court in **State of Haryana Versus Ram Mehar and others, 2016(4) R.C.R(Criminal) 154** coming to the inference that previous counsel Ms.Manju Sharma was given due opportunity to cross-examine the witness Gurdeep (PW1) and she had duly conducted the same and she was not having any handicap and no finding can be recorded that such legal aid panel counsel appointed by the District Legal Services Authority was incompetent in any manner and merely due to change of counsel, the defence of accused does not get change. It has been observed that allowing the application would delay the trial and there was no ground to recall witness Gurdeep (PW1) only to question him regarding branch and name of bank where he worked, which information could be collected by the defence from other sources. It seems that the

application had been filed to prolong the trial. Such type of tactics cannot be allowed to succeed. Otherwise also I do not find any illegality or infirmity with the impugned order, rather the petition does not have any merit.

Dismissed.

4.9.2017

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No