

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

**CRR No. 3198 of 2017(O&M)**

**Date of decision :08.09.2017**

**Vishal Kataria**

**..... Petitioner**

**Versus**

**State of Haryana and another**

**.....Respondents**

**CORAM : HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr.Kamal Chaudhary, Advocate  
for the petitioner.

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**LISA GILL, J. (Oral)**

The petitioner is aggrieved of the order dated 24.07.2017, passed by learned Judge, Special Court, S.A.S.Nagar, whereby his application under Section 311 of the Code of Criminal Procedure, 1973 (for short-Cr.P.C) for recalling the prosecutrix (PW-2) for further cross-examination has been dismissed.

Brief facts of the case are that FIR No. 0063 dated 30.03.2016, under Sections 363, 366-A IPC, Police Station Dera Bassi, District S.A.S.Nagar was registered on the statement of the father of the prosecutrix (PW-2) to the effect that his minor daughter (victim) has been allured by the petitioner on the intervening night of 27/28.03.2016.

It is contended that the petitioner and the alleged victim in-fact solemnized marriage on 12.04.2016. A petition seeking protection of their life and liberty was filed before this Court as well. Custody of the minor victim was handed over to her parents on 04.10.2016. They had been living together as husband and wife. The prosecutrix was examined before the learned trial Court on 19.04.2017. She was subjected to lengthy cross-examination as well. However, an application dated 24.07.2017 (Annexure P-3) was moved on behalf of the accused-petitioner seeking recall of prosecutrix as certain substantial facts have come to light which call for further cross-examination of the witness. This application has been dismissed by the learned trial Court while specifically observing that the witness was subjected to lengthy cross-examination.

Learned counsel for the petitioner vehemently argues that certain material facts could not be put to the said witness due to an inadvertent mistake. She is required to be confronted with the site plan on record as well as the calls made by her to the petitioner before and after the incident in question.

I have heard learned counsel for the petitioner at length. Statement of the said witness (victim), produced in Court today is perused.

It is undeniable that the victim has been subjected to lengthy cross-examination. The site plan which the witness is sought to be confronted with was very much a part of the record and was available with the accused. Though it is stated that the victim was required to be confronted with other aspects as well but no such fact or aspect is forthcoming. It is noted that though mentioned in the grounds of revision

that the petitioner and the victim are living together as husband and wife, it is candidly admitted by learned counsel for the petitioner that this is not reflective of the ground reality. The victim is admittedly living with her parents.

Learned counsel for the petitioner is unable to point any illegality, infirmity or error apparent on record in the impugned order dated 24.07.2017, passed by learned Judge, Special Court, S.A.S.Nagar, which calls for interference by this Court in exercise of revisional jurisdiction.

Consequently, finding no merit, this petition is dismissed.

Needless to say none of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on the trial.

**08.09.2017**

s.khan

**(LISA GILL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No