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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 882/2017

ANUJ KHATRI Petitioner

Through Mr. C L Gupta, Adv

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Ms. Neelam Sharma, APP for State
SI Pramod, PS Narela

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **23.11.2017**

By way of the present Petition under section 401 r/w section 482 Cr.P.C. the petitioner has assailed the order of trial court whereby his application for recalling PW-1 for her further cross examination has been dismissed.

PW-1, Prosecutrix was examined on 1st December, 2016. Learned counsel for petitioner cross examined the prosecutrix at length, which is evident from a perusal of her testimony. Petitioner engaged a new counsel, who moved an application under Section 311 Cr.P.C. for recalling PW-1 (Prosecutrix) on the ground that the prosecutrix was not properly cross examined by the previous counsel. The said application was dismissed by the trial court by observing that change of counsel was not a ground to recall the witness, who has

already been cross-examined.

I am satisfied by the view taken by the trial court. Mere change of counsel is not a ground for recalling a witness. The plea taken by the petitioner that prosecutrix was not properly cross-examined is a vague plea, inasmuch as, a witness cannot be recalled to fill up the lacunae. In my view application was filed to drag on the trial.

Petition is dismissed. Miscellaneous applications are disposed of as infructuous. *Dasti.*

A.K. PATHAK, J

NOVEMBER 23, 2017

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