

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

CRM-M-19610-2018

Date of decision:-4.10.2018

Ankit Goyal

...Petitioner

Versus

State of UT Chandigarh and another

...Respondents

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

Present : Mr.Siddharth Pandit, Advocate
for the petitioner.

Mr.Anil Kumr Lamdharia, AAP, U.T., Chandigarh.

Mr.Arvind Singh Sandhu, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. seeking quashing of order dated 12.4.2018 passed by learned Additional Sessions Judge/Judge, Special Court, Chandigarh permitting the complainant/respondent No.2 to depose certain facts in further examination-in-chief has been filed by petitioner Ankit Goyal, who is an accused in the said FIR.

Briefly stated, the facts of the case are that complainant Priyanka Ranga had lodged the FIR in question against the accused Ankit Goyal on the allegations of cheating and sexual assault on promise of marriage. After registration of the FIR, the matter was investigated. Accused was arrested in this case and after completion of investigation and other formalities, he was sent up to face trial. During the course of trial, the complainant had filed an application under Section 311 Cr.P.C. submitting therein that the complainant had appeared before the Court, however, she got scared by the presence of accused and could not record her entire statement. The material points are yet to be brought to notice of the Court and further examination-in-chief of the witness be allowed to be conducted.

The trial Court allowed the said application without calling for reply to the application observing that cross-examination of witness has not yet started and interest of justice require that witness be allowed to say what she wants to state and accused shall get an opportunity to cross-examine the witness, which left the accused aggrieved and he filed the present petition, notice of which has been issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

For ready reference Section 311 Cr.P.C. is reproduced as under:

311. Power to summon material witness, or examine person present. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a

witness, or examine any person in attendance, though not summoned as a witness, or recall and re- examine any person already examined; and the Court shall summon and examine or recall and re- examine any such person if his evidence appears to it to be essential to the just decision of the case.

I find that the trial Court has properly exercised its jurisdiction in allowing the application. The accused shall not be prejudiced in any manner since he would get an opportunity to cross-examine the witness and if she makes any material improvements in her examination-in-chief, she can be duly confronted in her cross-examination with her previous statement.

I do not find any illegality or infirmity in such order, which might have called for interference by this Court while exercising jurisdiction under Section 482 Cr.P.C.

Therefore, the petition stands dismissed.

4.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No