

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

Sr. No.123

**CRM-M-32369-2018
Date of decision : 01.08.2018**

Avtar Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Chatrath, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is the complainant. He has preferred a criminal complaint No.32284 instituted on 30.07.2013, under Sections 307, 325, 323 and 341 IPC. Vide order dt. 26.04.2018, his evidence was closed by order. The reason mentioned therein is that he has been granted over a dozen opportunities to complete his evidence, but he has failed to do so. Thereafter, he filed an application under Section 311 Cr.P.C. for additional evidence, which has also been dismissed vide order dt. 02.07.2018 on the ground that in an application under Section 311 Cr.P.C, the Court cannot summon witnesses by way of additional evidence when the evidence of the party has been closed by order and the said order has not been set aside.

Learned counsel for the petitioner submits that the petitioner is an old person aged 63 of age and he and his wife received injuries in the incident because of which the complaint has been filed. Thus, one opportunity be granted to the petitioner to conclude his evidence.

The complaint is of the year 2013. Perusal of order dt. 26.04.2018 as well as order dt. 02.07.2018 show that the petitioner was

granted 29 effective opportunities to conclude his evidence, but he failed to do so. Thus, no latitude can be given to him.

The present petition is without merit and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

01.08.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No