

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

CRM-29428-2018 in/and
CRR-1658-2018 (O&M)
Date of Decision: 29-08-2018

Amita Nagpal

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Charanjit Singh Bakhshi, Advocate
for the petitioner.

Mr. K.K.Chaudhary, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

CRM-29428-2018

This is an application for pre-ponement of the main case i.e.
CRR-1658-2018, which is now pending for 04.02.2019.

Notice of motion.

Mr. K.K.Chaudhary, Advocate accepts notice and submits that
he has no objection in case the hearing of the case is pre-poned and is taken
up today itself.

Application stands disposed of.

Main Case

The petitioner herein is aggrieved against the order dated

06.02.2018 passed by the trial Court whereby an application for recalling the PW-1-Subhash Chander and PW-2- Raj Luthra for further examination has been dismissed.

The petitioner herein is facing trial in case FIR No. 54 dated 30.04.2016 under Sections 304-B, 406, 498-A, 34 of IPC registered at Police Station Division No.4, Jalandhar.

During the pendency of the trial, an application was moved on behalf of the petitioner for recalling PW-1 Subhash Chander and PW-2 Raj Luthra for further cross-examination. It was submitted that that after the cross-examination of PW1-Subhash Chander and PW2-Raj Luthra, the applicant-accused was able to lay hands on certain documents which were very important and vital to the fair and just decision of the case. The application filed was dismissed on the ground that both the witnesses had been duly cross-examined at great length and that they were being recalled only to fill up the lacunae. Aggrieved against the said order, the instant criminal revision petition has been filed.

Without going into the merits of the case, learned counsel appearing on behalf of the respondent has very fairly submitted that he would have no objection in case both the witnesses are recalled for further cross-examination and has also stated that both the witnesses would be present on the date already fixed before the trial Court.

This Court is given to understand that the matter is listed for 31.08.2018, on which date the evidence of the prosecution is likely to be closed. In view of the fair statement, that has been made, the above noted revision petition is allowed and the impugned order is set aside.

The witnesses are directed to be present on 31.08.2018 or any other date as convenient to the trial Court, for further cross-examination

The petitioner herein is permitted to cross-examine both the witnesses on the date so fixed.

The revision petition stands allowed.

August 29, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No