

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

CRR-2475-2018

Date of decision:-1.8.2018

Raj Kishore and others

...Petitioners

Versus

State of Haryana

...Respondent

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

Present: Mr.Paramjit Jakhar, Advocate
for the petitioners.

H.S. MADAAN, J.

This revision petition has been filed by accused Raj Kishore and others, feeling aggrieved by order dated 3.7.2018 passed by learned Additional Sessions Judge (Exclusive Court for Heinous Crimes against Women and Children), Yamuna Nagar at Jagadhri, vide which their application for recalling of three prosecution witnesses for further cross-examination had been dismissed.

Briefly stated, facts of the case are that during trial against

accused Anuj Kumar and others, the prosecution had examined complainant Jiya Lal as PW1, Sarla as PW2 and Deepak Kumar as PW3, first two on 24.7.2017 and third one on 30.8.2017. Thereafter, the accused moved an application that during cross-examination of these PWs, some vital questions had been left to be asked, which are essential for just adjudication of the case, as such these PWs be allowed to be subjected to further cross-examination. The State opposed the request submitting that such PWs had been cross-examined at length and application had been filed with an ulterior motive. After hearing counsel for the petitioners – accused and State counsel, the trial Court observed that 11 witnesses have already been examined by the prosecution and only report of FSL, Madhuban in respect of comparison of signatures of deceased Priyanka is awaited and that application for recalling the witnesses had been filed on 8.5.2018 i.e. after more than eight months of recording their statements. It has further been observed that all the witnesses have been cross-examined at length on all relevant aspects of the case and in the application it has not been dilated as to which questions were to be asked but could not be asked and that prayer for recalling the prosecution witnesses on vague ground cannot be entertained. Rather the trial Court has observed that the application has been filed just to delay the proceedings.

The order passed by the trial Court is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law.

In view of the above discussion, no infirmity or illegality in the impugned order is found to be there, which might have warranted

interference by this Court. Resultantly, the revision petition stands dismissed.

1.8.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No