

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

114

CRR-3465-2018 (O&M)

Date of Decision : 16.10.2018

M/s Uniter Papers at ADJ Zoom Hotel

...Petitioner

Versus

Prabhjot Singh

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Saurabh Kapoor, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

In the present criminal revision, petitioners have sought for quashing of order dated 25.07.2018 vide which application under Section 311 Cr.P.C. filed by petitioner has been dismissed.

2. Learned counsel for the petitioner submitted that counsel who was appearing before the trial court did not appreciate certain factual aspect relating to compromise and settlement to the court. Later on petitioner changed the counsel. New counsel found out that there was a compromise between the petitioner and the complainant and related questions are necessary to be put to the witness. Thus, JMIC, Ludhiana while passing order on 25.07.2018 in respect of application under Section 311 Cr.P.C. has committed error.

3. Perusal of the records it is to be noted that merely change of counsel and new counsel found certain documents with the petitioner relating to compromise that does not give right to the petitioner to recall the witness again and so also to entertain application under Section 311 Cr.P.C. by trial court. Petitioner is a company and he is not illiterate so as to not furnishing complete documents to his counsel in the beginning. Supreme

Court in the case of *Mishrilal and others versus State of M.P. and others* reported in 2005(2) Apex Criminal 224 held that once the witness is examined and cross-examined fully, such witness should not have been recalled. Thus, there is no error committed by the JMIC, Ludhiana in its order dated 25.07.2018 while rejecting application under Section 311 Cr.P.C. Accordingly, petition stands dismissed.

16.10.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE***Whether speaking/reasoned?**Yes/No**Whether reportable?**Yes/No*