

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRR No.497 of 2018

Date of decision : 12.02.2018

Meenakshi Goel

... *Petitioner*

Versus

Ashok Jindal

... *Respondent*

CORAM : HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present : Mr. Rajesh Gupta, Advocate
for the petitioner.

Raj Mohan Singh, J.(ORAL)

An application under Section 311 Cr.P.C was filed at the stage of recording of statement of the accused/petitioner under Section 313 Cr.P.C. On 24.12.2015, cross examination of the complainant was fixed. After seeking five adjournments, the petitioner changed her earlier counsel and engaged one Sh. Kashmir Singh, Advocate. Cross examination of the complainant was concluded on 24.01.2017 after availing 11 adjournments in a period of 13 months. Thereafter, application under Section 311 Cr.P.C came to be filed on 22.03.2017 even after availing two months from the conclusion of the cross examination of the complainant. This application has been preferred on the ground of lack of legal service provided by the earlier counsel. Indirectly incompetency of the lawyer was alleged.

In view of **State of Haryana Vs. Ram Mehar and**

others, 2016(4) RCR (Criminal) 154, such type of fanciful notion cannot be appreciated. The practice of filing of application under Section 311 Cr.P.C with the change of lawyer was deprecated by the Hon'ble Apex Court in **Rama Export India and another Vs. Anuj Khullar, 2013(4) Criminal Court Cases 833** and **AG Vs. Shiv Kumar Yadav and another, 2015(4) Crimes 1**.

Owing to the conduct of the petitioner, no indulgence can be granted in her favour in this petition.

Dismissed.

[Raj Mohan Singh]
Judge

12.02.2018

Prince

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No