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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2887/2018, CRL MA 10211-12/2018

PAWAN KUMAR

..... Petitioner

Through Mr. Faraz Maqbool, Adv

versus

STATE

..... Respondent

Through Ms. Kusum Dhalla, APP
SI Ajit , PS GK-I

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **24.05.2018**

By way of the present petitioner, petitioner has prayed for setting aside impugned order dated 24th March, 2018 whereby an application under Section 311 Cr.P.C. for recalling the PW 1 and PW-2 for their further cross examination, has been dismissed by the trial court.

PW3 is the prosecutrix. PW-1 and PW-2 are parents of the prosecutrix. Their statements were recorded on 11th July, 2017, inasmuch as they were even cross examined by learned counsel for the petitioner (accused). After new counsel was engaged by the petitioner, an application under section 311 Cr.PC was filed as late as on 7th February, 2018, for recalling the PW-1 & 2 for their further cross examination, on the ground that they were not cross examined properly. The said application has been dismissed by the trial court

by the impugned order. Trial court has held that the change of counsel cannot be a ground for recalling the witnesses. If on such pleas witnesses are recalled, it would amount to an unending process.

I have perused the application under section 311 CrPC as well as order dated 24th March, 2018 whereby the said application has been dismissed. I find that PW1 and PW2 were cross examined and discharged. The ground taken that these PWs were not properly examined by the earlier counsel is too vague a ground. Only on this ground witnesses cannot be recalled.

Accordingly, petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J

MAY 24, 2018

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