

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.123

CRM-M-3498-2019 (O&M)

Date of decision : 25.1.2019

Kazi Mohammad Nafis

..... Petitioner

VERSUS

Sulinder Chauhan

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Y.P. Malik, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed with a prayer to grant an opportunity to the petitioner to cross-examine the complainant appearing as CW1.

A perusal of the impugned order shows that the petitioner is accused No.2 in the complaint. Both accused No.2 and accused No.3 are the authorized representatives of accused No.1. On the concerned date, the petitioner was granted an opportunity to cross-examine the complainant CW1, however, he wanted to avail the opportunity after he had been cross-examined by accused No.3. During the cross-examination of CW1 by accused No.3, the petitioner also took part and actively assisted the counsel for accused No.3. After conclusion of cross-examination, the case was adjourned for recording of defence evidence and at that stage, the petitioner sought to cross-examine the complainant CW1.

The Courts below have observed that accused No.2 and accused No.3 being authorized representatives of accused No.1, there is no necessity to permit both of them to cross-examine the complainant CW1. Moreover, an opportunity was granted to the petitioner, but he failed to avail the same and instead assisted accused No.3 actively.

Thus, there is no error in the impugned orders requiring interference in exercise of jurisdiction under Section 482 Cr.P.C.

The petition is dismissed.

(SUDHIR MITTAL)
JUDGE

25.1.2019
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No