

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

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**CRM-M-10651-2016(O&M)
Date of Order:05.11.2019**

Kapoor Kaur

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Chhabra, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

Through the present petition under Section 482 of the Code of Criminal Procedure, correctness of order passed by the learned Chief Judicial Magistrate, dated 30.01.2016, dismissing the application under Section 311 Cr.P.C., has been challenged.

The Court has noticed that PW6-Satpal, Record Keeper, Sessions Court, Jind, appeared as a prosecution witness on 10.02.2014, whereas the present application was filed on 13.01.2016. It has also been noticed that the application under Section 319 Cr.P.C. has also been adjudicated by the Court on 16.09.2015. The court has also noticed that when PW6 was examined, learned Assistant Public Prosecutor as well as counsel for the first informant were present. Prayer is for re-examining PW6.

Keeping in view the facts and circumstances of the present case, the learned Chief Judicial Magistrate has dismissed the application even after noticing that under Section 311 Cr.P.C. the Court has wide

powers, however, the Court has refused to exercise discretion keeping in view the facts of the case.

Learned State counsel, on instructions from ASI Ram Mehar, has submitted that respondent no.2-Baljinder Kaur and Narvair Singh son of Sahab Singh have already been convicted and sentenced to life imprisonment by the Court of Sessions on 24.04.2013.

In view thereof, the present petition is disposed of accordingly.

November 05, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No