

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

**CRR No.433-2019 (O&M)
DATE OF DECISION:-20.03.2019**

NUTAN

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Bakhshish Singh, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

CRM-9757-2019

Prayer in this application is for preponing the date of hearing
of the main case, which is fixed for 02.07.2019.

Heard.

For the reasons mentioned in the application, same is allowed
and date of hearing of the main case is preponed and is taken up today
i.e. 20.03.2019.

CRR-433-2019

Through this revision petition, accused-petitioner has laid
challenge to judgment dated 11.01.2019, passed by Id. Sessions Judge,
Jhajjar, whereby her application under Section 311 Cr.P.C. was
dismissed by the trial court for re-cross-examination of three
prosecution witnesses namely, Pinki (PW-1), Suresh (PW-5), and Ram

Kumar (PW-7).

Learned counsel contends that many vital questions affecting the merits of the case, were not put to the aforesaid witnesses by her counsel during their cross-examination. Petitioner is a poor lady.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow:-

For ready reference, relevant portion of the impugned order is reproduced as under:-

"PW-1 Pinki has appeared in the witness-box on 09.05.2017 and her cross-examination was deferred on that day at the request of learned counsel for the accused as he was engaged by the accused on that very day and therefore, the case was adjourned and this witness was cross-examined at length by learned counsel for the accused on 25.05.2017. Even, PW-6 Smt. Suresh and PW-7 Ram Kumar have also been cross-examined by learned counsel for the accused at length. It is well settled proposition of law that a witness should not be allowed to re-examine as there is every possibility that he may not support the prosecution version and usually, he would

*support the accused. To support this view, reliance can be placed on the file the case titled "Ratan Lal vs. Prahlad Jat, 2017(4) RCR (Crl.) 410 wherein the Hon'ble Supreme Court has held that **"the object of the provision of Section 311 Cr.P.C. is to do justice not only from the point of view of accused and the prosecution but also from the point of view of an orderly society. This power has to be exercised only for strong and valid reasons with caution, not as a matter of course. It was obvious that they had been won over. Such application cannot be allowed."** In the present case, no ground is made out to re-examination of PW-1 Pinki, PW-6 Suresh and PW-7 Ram Kumar as they were cross-examined at length by learned counsel for the accused. In these circumstances, the present application moved by the accused/applicant Nutan is hereby dismissed being devoid of merits."*

That apart, learned counsel for the petitioner before this Court and trial court as well, did not ever point out as to what were those relevant questions, which could not be put to the aforesaid witnesses.

I have gone through the impugned order dated 11.01.2019

and find no illegality and infirmity in the same. Consequently, the same is upheld.

Dismissed.

20.03.2019

sonika

whether speaking/reasoned:

whether reportable:

Yes/No

Yes/No

(RAMENDRA JAIN)
JUDGE