

109/3.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14366-2018

Date of decision: 27.09.2019

KAMAL

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gautam Dutt, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 28.02.2018 passed by learned Additional Sessions Judge, Ambala (Annexure P-1) whereby the application filed by the petitioner-accused under Section 311 Cr.P.C. to recall the child victim, namely, Ashu @ Guchho PW14 for further cross-examination in Sessions case No.81 of 2017 arising out of FIR No.17 dated 04.02.2017, under Sections 363/366-A/506 of IPC and Sections 4 & 5 of the Prevention of Children from Sexual Offences Act, has been dismissed, erroneously and without any application of proper and judicious mind.

Counsel for the petitioner states that in view of the changed circumstances and more particularly when the DNA report in the case has been received, he seeks permission to withdraw the present petition,

however, with liberty to move an application under Section 311 Cr.P.C. at later stage as per law.

Dismissed as withdrawn with liberty aforesaid.

In case the petitioner moves fresh application within 15 days, the trial Court shall consider the same strictly in accordance with law.

(HARI PAL VERMA)
JUDGE

27.09.2019

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No