

CRM-M-25387 of 2017

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

CRM-M-25387 of 2017
Date of Decision: 13.03.2019

Sayeed Ahmed

....Petitioner

Versus

Sadiq Hussain Naqvi

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.
Mr. Jai Bhagwan, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for setting aside order dated 06.05.2017 (Annexure P-6) of the trial Court, allowing application of the respondent under Section 311 Cr.P.C.

Learned counsel for the petitioner *inter alia* contends that while allowing application of the respondent-complainant under Section 311 Cr.P.C. the trial Court failed to appreciate that respondent-complainant had not examined those witnesses in his preliminary evidence, which he now sought to be examined as additional witnesses. At the preliminary stage, before summoning of the petitioner, respondent-complainant examined himself only, who was cross-examined by the petitioner, after serving notice of accusation upon the petitioner.

On the other hand, learned counsel for the respondent, refuting the above submissions, pleaded the legality and validity of the impugned

CRM-M-25387 of 2017

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

Accused cannot dictate his terms to a complainant as to in what manner he has to proceed with his complaint, which, in the present case, petitioner has tried to do so.

Admittedly, two witnesses which were sought to be examined through his application under Section 311 Cr.P.C. by the respondent-complainant were cited by him in the list of witnesses at the threshold, while instituting his complaint against the petitioner. Resultantly, petitioner was very much aware of all the witnesses so to be examined by respondent-complainant against him, during trial. Therefore, petitioner was not taken to surprise, while seeking permission of the Court by respondent-complainant to examine two witnesses to corroborate his testimony and prove his case.

Learned counsel for the petitioner has not been able to show as to what prejudice is going to be caused to the petitioner, in case, respondent-complainant is being permitted by the trial Court to examine two witnesses, in support of his case.

In view of discussion made above, petition is dismissed.

March 13, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No