

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41957 of 2017
DECIDED ON: 05.02.2019

AMRITPAL SINGH

..PETITIONER

VERSUS

RAHUL AHUJA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. J.S. Mehndiratta, Advocate,
for the petitioner.

Mr. Gurcharan Dass, 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 31.08.2017 of the trial court, whereby application filed by the petitioner under Section 311 Cr.P.C. for recalling Rahul Ahuja-CW-1 in his cross-examination has been dismissed.

In nutshell, complainant appears as CW-1 in support of his complaint and recorded his examination-in-chief. However, when petitioner did not cross-examine him through his counsel or otherwise, trial court treated his cross-examination as nil. Consequently, petitioner moved application under Section 311 Cr.P.C. for recalling complainant- Rahul Ahuja (CW-1) for cross-examination, which was

dismissed by the trial court vide impugned order dated 31.08.2017 on the ground that trial court cannot review its own order.

Heard.

Taking into account the rival submissions, impugned order dated 31.08.2017 is set aside. The petitioner is afforded one and last opportunity to cross-examine complainant-Rahul Ajuja (CW-1) on the next date of hearing before the trial court positively, subject to payment of costs of Rs.10,000/- to be deposited with Punjab State Legal Services Authority, with direction to the respondent-complainant to remain present in his cross-examination. In case, the petitioner could not be able to cross-examine respondent-complainant as directed, on the next date of hearing, in that eventuality, he shall not be afforded any opportunity for the said purpose.

Disposed of.

05.02.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**