

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.1124 of 2019

.....

Date of decision:20.05.2019

Suresh Kumar Satija

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Shruty Bhimwal, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 5.4.2019 passed by learned Additional Sessions Judge, Fazilka.

I have heard learned counsel for the petitioner and have gone through the record.

Learned counsel for the petitioner argued that the petitioner was not present in the Court below, rather, proxy counsel was present. Therefore, she argued that the presence of the counsel has been wrongly marked by the Court and further the petitioner be given opportunity to cross-examine PW-1.

A perusal of the record shows that PW-1 Manjit Singh, Photographer has been examined in the Court. The Court has specifically marked the presence of the counsel for the accused and the witnesses have been cross-examined jointly. No request has been made to the Court on that

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day for deferring the cross-examination nor any request was made to the Court that one of the counsel of the accused is not present nor any request by proxy counsel was made to the Court. A perusal of the order of that day shows that the presence of all Advocates has been marked and it has been mentioned that they filed their respective power of attorneys.

Keeping in view the above facts, I do not find any ground to pass the order to summon PW-1 again for cross-examination. Furthermore, from the perusal of the record, I find that neither any request was made to the Court to defer the cross-examination or the counsel for one of the accused was not present or proxy counsel was present nor later on any application has been filed asking for re-examination of the witness and directly present petition has been filed before this Court. No revision petition is maintainable against the interlocutory order. The order passed on 5.4.2019 by learned Additional Sessions Judge, Fazilka, is an interim order simply marking the presence of the counsel that they have filed the Vakalatnama and one PW was present and examined and the remaining prosecution witnesses at Sr. No.2 to 5 were to be summoned for 25.4.2019. On this ground also, this revision petition is liable to be dismissed.

Therefore, finding no merit in this criminal revision petition, the same is dismissed.

May 20, 2019.

(Inderjit Singh)
Judge

hsp

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