

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

**CRM-M-24686-2019
Decided on : 28.05.2019**

Avtar Singh

... Petitioner(s)

Versus

Gurnam Singh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Rajesh Gupta, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C., *inter alia* for setting aside the order dated 25.04.2019 (Annexure P-4), passed by Ld. Judicial Magistrate 1st Class, Ludhiana (in short 'Ld. JMIC'), whereby, the application filed by the respondent under Section 311 Cr.P.C. in Complaint No. COMI/37500/2013, dated 03.09.2013, for cross examination of CW's has been allowed.

Learned counsel for the petitioner contends that the Court below erred in not appreciating that the respondent filed an application under Section 311 Cr.P.C. with the sole purpose to delay the proceedings before the trial Court.

Heard.

This Court has gone through the impugned order, vide which the Ld. JMIC has allowed the application filed under Section 311 Cr.P.C. and granted permission to the ld. defense counsel to cross-examine CW1 to CW4. One fact, which cannot be ignored is that the Court took cognizance of the fact that it was a complaint case, wherein, the accused had been summoned primarily on the basis of statement of the complainant and the witnesses. In this view of the fact, which would be even more significant and essential, it goes without saying that if further

evidence is essential for the just decision of the case, the Court is well within its

powers to allow recording of further evidence. The power under Section 311 Cr.P.C. can be exercised on judicial principles and ground of equity specially if it happens to be a complaint case.

Another fact which may be noticed is that there was a change in the counsel for the respondent-accused and the subsequent counsel felt that the complainant witnesses needed to be cross-examined on certain material facts of the case.

Therefore, I have no hesitation in holding that the impugned order passed by the Ld. JMIC, does not warrant any interference. Hence, the present stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

May 28, 2019
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*