

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

**CRM-M No. 30362 of 2019
Date of Decision:-22.07.2019**

Krishan Lal

...Petitioner

Versus

Devinder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Dr. Deepak Jindal, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the order dated 23.8.2018 (Annexure P-1) passed by trial Court in a criminal complaint No.RBT/32/1/2015 and order dated 18.2.2019 (Annexure P-2) passed by the first Appellate Court for granting permission to summon and examine the concerned official, Nagar Panchayat, Goraya with record.

Learned counsel for the petitioner contends that the application was filed under Section 311 Cr.P.C. to recall CW2-Surender Kumar in order to explain his deposition as he had stated wrong facts in his cross-examination and therefore this witness needs to be examined again to state the true facts.

With the assistance of the counsel, this Court has perused the impugned order passed by the trial Court, wherein it is recorded that the plea set up by the complainant for recall is misplaced as the said witness CW2 was examined not only in the presence of complainant, but the counsel for the complainant was also present. It was the complainant's witness who had deposed before the Court and if according to the complainant, the deposition is not suitable to him, the provision of Section 311 Cr.P.C. cannot be invoked to recall the said witness to give the statement desired by complainant.

Thus, the order passed by the Courts below are well reasoned and this Court does not find any reason to interfere in the same. Resultantly, the petition is dismissed.

July 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No