

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1685-2019(O&M)
Date of Order:30.07.2019

Mahpal Bohat

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

ANIL KSHETARPAL, J(Oral)

This revision petition has been filed by the accused against the order dated 28.05.2019, passed by the learned Judicial Magistrate Ist Class, Derabassi, declining request of the petitioner-accused to permit his counsel to cross-examine the first informant by moving an application under Section 311 of the Code of Criminal Procedure.

On 19.07.2019, counsel for the petitioner-accused had contended that the parties were trying to resolve their disputes and, therefore, number of adjournments were taken by both the parties. It has further been pleaded in the petition that counsel appearing for the accused-petitioner comes from out of station. It has been noticed that after framing of the charge, Vir Vikram Rajan was examined on 17.05.2018 and bound down for 31.05.2018. The first informant was also present on 18.08.2018 but was not cross-examined. Thereafter, the case was adjourned in order to explore possibility of settlement and the case was repeatedly adjourned. However, on account of the aforesaid fact, counsel for the accused did not come present, the Court passed the order treating the opportunity to cross-

examine the first informant as NIL.

No doubt, the efforts of the Court should be to expedite disposal of the cases, however, at the same time the Court is required to take into consideration the entire facts while passing the order closing the opportunity to cross-examine the first informant, in other words treating it as NIL.

It is undisputed as noticed by learned Judicial Magistrate Ist Class that parties had sought repeated adjournments to settle the matter. However, on 17.01.2019, the case was adjourned to 08.02.2019 for awaiting report of compromise, subject to last opportunity. Hence, on 08.02.2019 in the absence of counsel representing the accused, the Court committed an error in closing the opportunity to cross-examine the first informant.

Keeping in view the aforesaid facts, the orders under challenge i.e. dated 08.02.2019 and 28.05.2019 are set aside. The learned trial Court is directed to grant one opportunity to the accused-petitioner to cross-examine the first informant on the date to be fixed by the trial Court.

With these observations, the present petition is allowed.

July 30, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No