

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

121

Criminal Revision No.2037 of 2019

Date of decision : 21.08.2019

Labh Singh

... Petitioner

Versus

State of Punjab and another

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parshotam Lal Singla, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 30.07.2019 whereby his application for recalling CW-1 for cross-examination, has been dismissed.

Learned counsel for the petitioner contends that the allegations against the petitioner who is a small farmer are that he had obtained loan from the complainant-Bank for a sum of ₹ 2 lacs under the 'Kisan Gold Credit Scheme' and the cheque issued by him for due payment of the loan was dishonoured. He also contends that CW-1 was to be cross-examined on 19.07.2019 but the petitioner later came to know that the cross-examination of CW-1 has been treated as *Nil* which would cause prejudice to the case of the petitioner. He has also relied upon the judgment of the Supreme Court in the case of ***P. Sanjeeva Rao vs. State of A.P.*** reported as ***2012(7) SCC 56*** wherein witness was not cross-examined due to the mistake of the lawyer and it was held that recall of the witness to complete the cross-examination would be in the interest of justice and fair trial. The petitioner is seeking only one opportunity to cross-examine the complainant subject to reasonable costs. He also undertakes that the petitioner shall not make any effort to delay the trial.

In view of the limited prayer of the petitioner, I deem it appropriate to dispose of this petition without issuance of notice. The petitioner is seeking only one opportunity to cross-examine CW-1. Failure to cross-examine would certainly cause prejudice to the case of the petitioner and would amount to denial of fair trial which is the constitutional right enshrined in Article 21 of the Constitution of India.

Consequently, the petition is disposed of with the direction to the trial Court to afford only one opportunity to cross-examine CW-1 L.R. Dogra subject to payment of ₹5,000/- as costs to be deposited to the Punjab State Legal Services Authority.

It is made clear that the petitioner shall not make any effort to delay the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

August 21, 2019

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

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