

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

CRM-M-44790-2019 (O&M)

Date of decision : 19.10.2019

Rakesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Paul Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Accused is in revision against the order passed by the learned Judicial Magistrate dismissing application under Section 311 Cr.P.C. for recall of the complainant for further cross-examination.

The Court has found that reasons for recall and the alleged important questions which allegedly could not be put to the complainant have not been specified. Still further, from the reading of the statement of the accused recorded under Section 313 Cr.P.C., accused has failed to take such defence as now sought to be made out. The Court has further found that the accused is trying to delay the decision of the case.

Learned counsel for the petitioner while referring to page 32, para 2 of the application, submits that it was specified in the application that certain important questions could not be asked from the complainant at the time of cross-examination as complainant had also examined a bank official

as witness.

Observations made in the impugned order are correct. To make out the case for recall of the witness, it is bounden duty of the accused to specify as to what questions have not been put to him and how in absence of those questions, it is going to prejudice his case. Application filed with general and vague assertion cannot be allowed. Hence, no ground to interfere.

Accordingly, the present petition is dismissed.

19.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No