

CRM-M-47205-2019

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

CRM-M-47205-2019

Date of Decision:05.11.2019

Pardeep alias Bhom

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Lalit Kumar, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (Oral)

This is a petition under Section 482 of the Code of Criminal Procedure (for brevity, 'Cr.P.C.') for setting aside the order dated 09.10.2019 (Annexure P-4) passed by the learned Sessions Judge, Rohtak, whereby an application filed by the petitioner under Section 311 Cr.P.C. for recalling the prosecution witness, Parmesh (Salesman), has been dismissed.

I have heard learned counsel for the petitioner and gone through the impugned order.

Learned counsel for the petitioner has contended that only prayer made in the application moved before the trial Court was to allow the petitioner for recalling the aforesaid prosecution witness. It is further contended that though the said witness was examined by the prosecution and was cross-examined by the petitioner-accused himself, yet he could not be cross-examined by the defence counsel as the counsel was out of station

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After hearing learned counsel for the petitioner, I do not find any merit in the present petition and the same is liable to be dismissed. It is the admitted case of the petitioner that PW Parmesh (Salesman) sought to be recalled, had already been cross-examined by the accused himself. When the petitioner-accused had already cross-examined the said witness, there is no justification in ordering the recall of him by exercising the inherent powers under Section 482 Cr.P.C. It is settled law that such inherent powers are to be exercised to avoid the abuse of process of law or any patent illegality or irregularity leading to the manifest injustice to the aggrieved party.

In view of the above, the present petition is dismissed.

05.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No