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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50942-2019
Date of decision-02.12.2019

Kewal Singh

....Petitioner

Vs.

Parmider Singh Sodhi

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Mohan Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Kewal Singh has filed this petition under Section 482 Cr.P.C to challenge the order dated 18.11.2019 (Annexure P-8), whereby an application filed by him under Section 311 Cr.P.C in complaint case No.2968-2015 dated 19.10.2015 under Section 138 Negotiable Instruments Act, 1881 for recalling of the complainant for further cross examination, was dismissed.

Learned counsel for the petitioner submits that the cross-examination of the accused (petitioner) who appeared as defence witness runs into about 32 pages and was concluded recently. He submits that during his cross-examination, certain documents were put to him by the complainant which require clarification. He submits that the application filed by accused for recalling the complainant for further cross-examination is justified and the Court has committed a serious error of law in rejecting the

said prayer.

During the course of hearing, learned counsel for the petitioner was asked to reveal the nature of clarification required. He is unable to point out the nature of clarification required from the complainant. He further submits that the Court should be liberal in exercising the power under Section 311 Cr.P.C and has placed reliance upon judgments passed by the Hon'ble Supreme Court in “Natasha Singh Vs. CBI (State)” passed in Criminal Appeal No.709 of 2013 arising out of SLP (Criminal) No.3271-2013, another judgment passed by Delhi High Court in “Shri Sat Deo Jain Vs. M/s Investment Point”, AIR 1991 SC 1999. He further placed reliance upon the judgments passed by this Court in CRM-M-8408-2017, titled as “Raghubir Singh Samdhyam Vs. Ravinder Kumar Dhiman”, “Raj Kumar Vs. State of Haryana and others”, 2004 (4) RCR (Criminal) 474 and “M/S Shareen Hire Purchase Pvt.Ltd Vs. Kulwinder Kaur”, 2008 (4) CrLCC 973 (SC).

After hearing, learned counsel for the petitioner, this Court does not find any merit in the petition as the cross-examination of accused may not require any clarification from complainant. It is for the Court to look into the statements of the witnesses at the stage of the final decision of the case.

A perusal of the impugned order reveals that the trial Court has rightly declined the application filed by the petitioner as no valid reason has been shown by the accused for invoking the extra ordinary power under Section 311 Cr.P.C. The judgments relied upon by learned counsel for the petitioner are not helpful in the set of facts in the present case. The power

under Section 311 Cr.P.C is meant to be exercised judicially and with great
circumspection only in the cases where evidence sought to be adduced goes
to the root of the case and is essential. The trial Court has passed a well
reasoned order and this Court does not find any reason to interfere.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

02.12.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No