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

**RA-CR-24-2020 in
CR No.5694 of 2016
Date of Decision: 05.02.2020

Vijay Ganapati

..... Applicant/Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Applicant-Petitioner-Vijay Ganapati, in person.

SUDIP AHLUWALIA, J. (ORAL)

1. Heard the applicant-petitioner in person.
2. Perused the contents of his supplementary affidavit placed on record yesterday; Considered.
3. In the opinion of this Court, there is no such mistake apparent on the face of the record as to modify the earlier detailed judgment passed by this Court on 28.11.2019, vide which his Civil Revision No.5694 of 2016, was dismissed.
4. In the said revision, he had impugned the order dated 10.08.2016, passed by the Ld. Additional District Judge, Gurgaon in case i.e. Petition No.10/3-5-12/22-4/16.
5. In the affidavit filed yesterday as also in the submissions made before this Court by the applicant-petitioner today, the thrust has been to the effect that the Ld. Court below had not considered the judgment of a Co-ordinate Bench of this Court in **“Jasvir Singh and another Vs. Jaspal**

Singh” delivered on 30.03.2015 in ***Civil Revision No.3595 of 2014***. In addition, certain vague insinuations have been raised regarding conduct of the Ld. Presiding Officer of the Trial Court and submission of the applicant-petitioner in this regard has been that these were not mentioned in the earlier revision petition which only depicted a 'sanitized version' of the Trial Court proceedings.

6. Be that as it may, it is seen from the impugned order of the Trial Court that specific reference to the case of *Jasvir Singh (supra)* was made by it in its impugned order dated 10.08.2016 in Para No.3 thereof.

7. It is also a submission of the applicant-petitioner that his Ld. Senior Counsel Mr. K. Surinder, who is a Public Prosecutor of repute in Hyderabad was somehow unaccustomed to and taken back by the way in the proceedings in the Court of Haryana were conducted, on account of which, any regular application objecting to cross-examination of PW-4 and PW-5 before completion of PW-1's cross-examination could not be placed on record.

8. This Court is, however, not convinced by such reasoning and does not expect a Senior Advocate to have so meekly proceeded on to cross-examine the witnesses whose evidence was thereafter sought to be eschewed by himself. In any case, the reasons for rejecting the applicant-petitioner's application moved by the Ld. Court below were explicitly mentioned in Para No.5 of its impugned order of which note has also been taken by this Court in its judgment. The detailed judgment pronounced by this Court ought to have been challenged by the applicant-petitioner in an appropriate forum on merits if the applicant-petitioner felt aggrieved with the result. But *per se*, there is clearly no mistake apparent on the face of the

record as to warrant any modification of this order at this stage.

9 Dismissed.

05.02.2020
Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No