

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

**CRR-426-2020
Decided on : 27.02.2020**

Ajit @ Jeeta

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Jitender Dhanda, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been directed against the dismissal of an application filed under Section 311 Cr.P.C. for recalling of PW-4/Deepakshi (complainant) for her cross-examination in case FIR No. 107, dated 19.04.2019, under Sections 363, 366, 342, 365, 376-D IPC and Section 4 of the POCSO Act, 2012, registered at P.S. Ganaur, District Sonipat.

It has been *inter alia* contended that the counsel appearing for the petitioner was out of station on the date of hearing i.e. 26.09.2019 and it was at the instance of the trial Court, an application was moved by the petitioner for appointment of a legal aid counsel. Soon thereafter, legal aid counsel was appointed by the trial Court.

It has been further contended that the trial Court erred in dismissing the application filed under Sections 311 Cr.P.C., as it failed to appreciate that the legal aid counsel, who had been appointed just a few minutes prior to her cross-examination by the Court on the said date itself could not effectively cross-examine the witnesses including the prosecutrix.

In the facts and circumstances of the case, the instant petition is allowed and the impugned order dated 09.01.2020, passed by the trial Court is hereby set-aside. The petitioner is granted one more opportunity to examine the material witnesses including the prosecutrix i.e. PW-4/Deepakshi, who would be examined on the next date of hearing before the trial Court.

**(MANJARI NEHRU KAUL)
JUDGE**

February 27, 2020

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No