

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

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**CRR-1276-2020 (O&M)
Decided on : 01.12.2020**

Inderjit Singh @ Sonu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sarabjit Singh, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been preferred against the order dated 02nd March, 2020, vide which the application moved by the petitioner under Section 311 Cr.P.C., in case FIR No. 105, dated 14.09.2018, under Sections 326-B/34 IPC, registered at P.S. Ramdas, District Amritsar, for recalling of PW-1 Ravinder Kaur (victim), was dismissed.

Learned counsel appearing on behalf of the petitioner has contended that the application under Section 311 Cr.P.C. read with Section 294 Cr.P.C., was moved primarily to recall the PW-1 Ravinder Kaur (victim), with respect to an alleged audio conversation, which she had with her mother Rajwant Kaur, as it would have a strong bearing on the final outcome of the case registered against the petitioner. It has been further contended that the trial Court gravely erred in dismissing the aforementioned application under Section 311 Cr.P.C., without appreciating that a witness could be recalled and re-examined any number of times, if his/her examination appeared to be essential for the just decision of a case.

I have heard learned counsel for the petitioner and gone through the impugned order as well as other material on record.

Undoubtedly, this Court does have wide powers to invoke its jurisdiction under Section 401 Cr.P.C., but this Court cannot lose sight of the fact that these powers have to be exercised prudently and with a great deal of circumspection. The impugned order comes across as being a well reasoned one, which in the opinion of this Court would not warrant any interference.

The audio clip, which had been allegedly handed-over by the victim PW-1 Ravinder Kaur herself to DW-1 Rajbir Kaur, who admittedly happens to be closely related to the accused-petitioner, leaves no manner of doubt that the accused-petitioner did indeed have prior knowledge of the same, but for reasons best known to him, he still chose not to confront the victim PW-1 Ravinder Kaur with the alleged audio conversation during her cross-examination. Not only this, the alleged conversation is said to have taken place between the victim PW-1 Ravinder Kaur and her mother. The accused can still very well summon the victim's mother in his defence instead of seeking to recall the victim for her re-examination. It, rather, abundantly makes it clear that the sole purpose behind the filing of application under Section 311 Cr.P.C. is just to delay the proceedings and trial. Moreover, the motive attributed by the prosecution to the accused petitioner for committing the alleged crime, is in no way different from the one taken by the accused in his defence during the trial and further, this very motive forms the subject matter of the alleged audio conversation.

Accordingly, in the facts and circumstances of the case, I do not find any infirmity and perversity in the impugned order passed by the Court

below, which as already observed is a well reasoned one. Consequently, the instant revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

December 01, 2020

J.Ram

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