

CRR-1401 of 2021

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

CRR-1401 of 2021
Date of Decision: 10.11.2021

Majal @ Majlish

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present:- Mr. Pradeep Chhoker, Advocate,
for the petitioner.

Mr. Vishal Malik, Sr. Deputy Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through this revision petitioner has challenged the order dated 30.09.2021 of the learned Additional Sessions Judge, Palwal, whereby application of the petitioner under Section 311 Cr.P.C. for recalling PW-5 namely Goverdhan Dass-respondent No.2 for further cross-examination, has been dismissed.

In nutshell, petitioner is facing trial in FIR No.831 dated 22.11.2018, which was registered on the statement of respondent No.2- Goverdhan Dass under Sections 379-A, 406 and 420 IPC at Police Station Camp Palwal. After completion of investigation challan was presented and charges were framed against the petitioner. Case is at the stage of prosecution evidence. On 27.09.2019 respondent No.2 appeared in Court as PW-5, who was cross-examined by learned counsel for the petitioner.

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Thereafter, petitioner changed the counsel and on 19.03.2021 moved application under Section 311 Cr.P.C. for recalling PW5 Gorverdhan Dass for further cross-examination, which has been dismissed by the trial Court vide impugned order.

Learned counsel for the petitioner contends that the trial Court erred in dismissing the application of the petitioner under Section 311 Cr.P.C. During cross-examination of PW5 by earlier counsel of the petitioner some material questions were remained to be asked which are necessary for just and proper decision of the case.

Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner contending that the application has been filed with a view to fill up lacuna in the defence and with a view to linger on the proceedings. Respondent No.2-complainant was cross-examined at length as such present revision deserves to be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Perusal of file shows that PW5-Goverdhan Dass was cross-examined by previous counsel of the petitioner on 27.09.2019, whereas present application under Section 311 Cr.P.C. was filed by the petitioner through changed counsel with a considerable delay on 19.03.2021. PW5 was cross-examined at length by counsel for the petitioner. Mere change of counsel is no ground to recall the witness. Therefore, it is clear that application under Section 311 Cr.P.C. was filed by the petitioner only to delay the proceedings, which has rightly been dismissed by the trial Court vide impugned order.

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For the reasons aforesaid, I do not find any illegality or perversity into the impugned order, which calls for any interference by this Court in its very limited scope in revision. Consequently the present petition, being devoid of merit, is dismissed.

November 10, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No