

114

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-440-2022 (O&M)

Date of Decision:08.03.2022

Ravi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

The petitioner is aggrieved against the order dated 21.01.2022 passed by Id. Addl. Sessions Judge-cum-Fast Trade Special Court, Karnal during trial in case FIR No.816 dated 29.10.2020, registered under Sections 377 and 506 IPC and Section 4 POCSO Act, 2012, at Police Station Sadar, Karnal, whereby the application filed by him under Section 311 Cr.P.C. for recalling of witness/victim, was dismissed.

Learned counsel for the petitioner has argued that the deposition of victim was recorded on 31.08.2021 and subsequently, his mother was examined as PW-4 on 30.11.2021 and as the testimony of mother is at variation with the deposition of victim, therefore, it becomes necessary to recall the said victim for re-examination. He prays that the impugned order passed by the trial Court be set aside and the application filed by the petitioner for recalling the victim be allowed.

After hearing the learned counsel for the petitioner, this Court finds that the sole argument raised for recalling the victim for re-examination is not worth acceptance. Even if, it is a case of variation in the

evidence of prosecution witnesses, the same are to be evaluated by the trial Court at the stage of final adjudication of the trial. A perusal of the impugned order reveals that the trial Court has properly dealt with the prayer made by the petitioner, and the impugned order does not suffer from any illegality and impropriety, therefore, this Court is not inclined to exercise the revisional jurisdiction.

Dismissed.

08.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No