

Date of Decision: 17.5.2022

..... Petitioners

Versus

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagjot Singh Lalli, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

The petitioners have approached this Court impugning the order dated 21.1.2022, whereby, the petitioners were not given further opportunity to cross-examine the witnesses i.e. PW-1 (Complainant) and PW-2 (Prosecutrix).

At the outset, learned counsel for the petitioners has submitted that though both the aforesaid witnesses were present in the Court, however, as their counsel withdrew his power of attorney, the witnesses could not be cross-examined. He submits that as the petitioners are facing a serious allegations, they should be granted one opportunity for cross-examining the material witnesses i.e PW-1 and PW-2, failing which they would suffer irreparable loss.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the State.

After hearing learned counsel for the parties and perusing the record, though it is apparent that the cross-examination of both the witnesses was not done by the defence itself, however, keeping in view the seriousness of the charges which the petitioners are facing and in the interest of justice, this Court finds it appropriate that the petitioners be granted one effective opportunity for cross-examining both the witnesses i.e. PW-1 and PW-2. This

Court is conscious of the fact that the minor in POCSO cannot be compelled to come to the Court again and again, however, one opportunity is being granted only to balance the equity. One effective opportunity is granted to the petitioners to cross-examine the witnesses (PW-1 and PW-2) subject to payment of Rs.30,000/- as costs to be paid to the prosecutrix.

The learned trial Court is requested to grant one effective opportunity to the petitioners as per its convenience and summon the said witnesses for a single date on which the petitioners shall complete their cross-examination. The trial Court shall ensure that the costs of Rs.30,000/- is to be paid to the prosecutrix on the same day. Needless to say that if the petitioners fail to avail the opportunity, there would not be any further indulgence.

Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

17.5.2022
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No