

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
**Sr. No.: 118**

**Criminal Revision No.525 of 2023 (O&M)**  
**Date of Decision: February 23, 2023**

Amrender Singh

..... PETITIONER(S)

*VERSUS*

State of Haryana and another

..... RESPONDENT(S)

. . .

**CORAM:**      **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

**PRESENT:** - Mr. Ajay Kamboj, Advocate for the petitioner.

. . .

**Tribhuvan Dahiya, J (Oral)**

This revision petition is against the order dated 08.02.2023 passed by learned Additional Sessions Judge, Fast Track Special Court, Sirsa whereby the petitioner/accused's application dated 31.01.2023, Annexure P-6, under Section 311 Cr.P.C. for recalling the prosecutrix, PW-6, for further cross-examination was dismissed, in case FIR No.08 dated 07.02.2019, under Sections 376(2)(n) IPC & 3(2)(v) SC/ST Act, registered at Police Station Women Dabwali.

2.            It is not in dispute that the prosecutrix was duly cross-examined by the petitioner through his counsel before the trial Court. Now re-examination is being sought on the ground that her earlier marriage was subsisting at the time of registration of FIR. Reference has been made to documents Mark D-3 to Mark D-5, which are Annexures P-2 to P-4 on record of this petition. The documents pertain to the *ex parte* decree of divorce granted to the former husband of the prosecutrix, and also the application for setting aside the same filed by her which was later on

withdrawn by filing an affidavit dated 20.02.2020 (Annexure P-4). However, these documents were in existence even prior to cross-examination of the prosecutrix, besides, the fact of her earlier marriage is mentioned in the FIR itself. It cannot be accepted that the documents were not to the petitioner's knowledge at the time he cross-examined the prosecutrix.

3. Besides, a perusal of the order passed by the trial Court shows that DNA report, Ex. P/28, dated 31.01.2020 is on record which establishes that the prosecutrix and the petitioner-accused were biological parents of the child in question. Therefore, the fact whether she was married earlier or an *ex parte* decree of divorce was granted to the previous husband, are irrelevant so far as facts of the instant case are concerned. The application for recalling the prosecutrix for cross-examination has been declined by the trial Court on relevant considerations and by assigning cogent reasons. Therefore, there is no ground to interfere with the impugned order.

4. Dismissed.

5. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

**(Tribhuvan Dahiya)**  
**Judge**

**February 23, 2023**  
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Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No