

In the High Court of Punjab and Haryana at Chandigarh

115

CRR-706 of 2023

Date of Decision: 17.03.2023

Lakhwinder Sharma

---Petitioner

versus

State of Haryana and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Karan Kaushal, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition, is seeking setting aside of order dated 11.01.2023 whereby ASJ, Jagadhri, has declined application of the petitioner under Section 311 Cr.P.C. seeking recalling of cross examination of prosecutrix.

Learned counsel for the petitioner inter alia contends that after completion of cross examination of husband of the prosecutrix (PW7), the petitioner came to know of few important and material facts which need to be confronted to prosecutrix (PW5), thus, petitioner preferred an application under Section 311 Cr.P.C. seeking recalling of cross examination of the prosecutrix.

I have heard learned counsel for the petitioner and perused the record.

From the reading of impugned order, it comes out that sole ground of recalling of cross examination of witness before the trial court was that few questions at the time of cross examination of

PW5 could not be asked, thus, accused-petitioner may be permitted to again cross examine the prosecutrix (PW5).

It is settled proposition of law that witnesses may be called at any stage for re-examination or further cross examination because intent and purport of trial is to protect the interest of both the parties. The intent and purport of the trial is not to punish the innocent person whereas entire object of the trial is to decipher truth from the bundle of facts and lies.

In the case in hand, petitioner has sought recalling of cross examination of the prosecutrix only on the ground that few questions at the time of cross examination could not be asked from PW5. The trial court has recorded categorical finding that there was lengthy cross examination of the prosecutrix and it is no ground to recall any witness for cross examination that few more questions need to be asked.

This Court does not find any factual or legal infirmity in the impugned order warranting interference.

Dismissed.

(JAGMOHAN BANSAL)
JUDGE

17.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No