

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

[132]

CRM-M-14334-2023**Date of Decision:21.03.2023**

Ajay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ravinder Phagat, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 is seeking quashing/setting aside of impugned order dated 04.03.2023 (Annexure P-8) whereby the Ld. Addl. Sessions Judge (Exclusive Court), Jhajjar has dismissed the application under Section 311 Cr.P.C. filed by the petitioner seeking recalling of cross-examination of the prosecutrix and her mother.

The brief facts of the case are that on the basis of the written complaint of the victim, an FIR came to be registered against the petitioner which culminated into the police report in terms of Section 173 Cr.P.C. The trial Court framed charges. The prosecutrix and her mother appeared as PW-1 and PW-5 respectively. Counsel for the petitioner cross-examined both the witnesses.

The petitioner moved an application under Section 311 Cr.P.C. seeking recalling of cross-examination of the aforesaid witnesses on the ground that few questions which are relevant, have been left to be asked from both the witnesses. Learned trial Court, after considering the contents of the application and arguments of both sides, has dismissed the

application of the petitioner.

Learned counsel for the petitioner submits that due to reasons known to the counsel for the accused before the trial Court, he did not ask few questions from the prosecutrix and her mother which are most relevant for the adjudication of the dispute.

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

From the perusal of the record, it is quite evident that counsel for the petitioner had duly cross-examined both the witnesses. The only reason assigned by the petitioner seeking recalling of cross-examination is that few questions were left and need to be asked from the prosecutrix and her mother. The reason assigned by the petitioner does not seem to be plausible and convincing. The trial Court has passed a well reasoned and speaking order which does not warrant any interference by this Court.

The petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.03.2023
Anjal

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>