

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1186-2023 (O&M)
Date of order: 05.05.2023

S. Sarabvijay Singh

... Petitioner(s)

Versus

Central Bureau of Investigation

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner(s).

ANOOP CHITKARA, J.

Aggrieved by granting of opportunity to the prosecution to re-examine PW-28 Gian Chand to prove Roznamcha, Jamabandi Register and Fees Fardaat Register, accused no.2 Sarab Vijay Singh has come up before this Court by filing the present revision petition.

The ground taken by the petitioner-accused is that the trial Judge has granted such an opportunity to the prosecution without their even filing an application in this regard. His further case is that once statement of Gian Chand had been recorded and even cross-examination is complete, after that, re-examining him to prove the documents is nothing but filling in the lacunae by the prosecution, which is impermissible in law.

I have heard counsel for the petitioner at length and gone through the petition.

A perusal of Section 311 CrPC makes it clear that it is for the concerned Court to summon any material witness or examine any person present. The Legislature was very careful by using the words 'at any stage of trial'. The aforesaid section does not state that such power can be exercised by the Court only when an application is filed by the prosecution. The trial Court is the captain of the ship and for the voyage of criminal justice, it is its duty to see that the ship does not sink. Simply because some documents have to be proved, which earlier could not, would not mean that any indefeasible right accrued in favour of the accused and now, such evidence cannot be proved at this stage. To take such a view would be travesty of justice to the complainant and the victim.

Given above, I find that the impugned order does not suffer from any infirmity.

Accordingly, the present revision petition is dismissed.

(ANOOP CHITKARA)
JUDGE

May 05, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No