

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 134

Criminal Miscellaneous No.M-26009 of 2023 (O&M)

Date of Decision: May 22, 2023

Ram Avtar Raj @ Ram Avatar Paswan

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Ranjeet Singh Chauhan, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed for setting aside the order dated 02.05.2023 passed by the Sessions Judge, declining the petitioner's application under Section 311 Cr.P.C. for recalling the Prosecutrix/PW-1 for cross-examination.

2. A perusal of the order shows that the case was committed for trial to the Sessions Court on 13.07.2022, and a copy of the challan/final report along with the copy of the prosecutrix's MLR was handed over to the petitioner/accused on that day. Prosecutrix was partly examined on 29.09.2022, and her cross-examination was deferred on the request of learned defence counsel. Again she was partly examined on 02.11.2022, and once more her cross-examination was deferred on the request of learned defence counsel. The cross-examination was finally completed by him on 03.11.2022.

3. In these circumstances, the application for recalling the prosecutrix for cross-examination on the pretext that she was required to be confronted with certain facts about her medical examination, was rightly

rejected by the trial Court noticing that her MLR was furnished to the petitioner along with the challan on 13.07.2022 itself, and thereafter she was cross-examined on three different dates. Recalling of the prosecutrix in this situation would only amount to abuse of the process of law and undue harassment to her.

4. In view thereof, there is no ground to entertain the petition.
5. Dismissed.
6. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

May 22, 2023
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Whether Speaking/ Reasoned:

Whether Reportable:

Yes/ No

Yes/ No