

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

**CRM-M-28024 of 2023
Date of Decision: 31.05.2023**

Amit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Sunny Namdev, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of order dated 25.04.2023 (Annexure P-2) passed by the learned Addl. District and Sessions Judge, Rohtak whereby the application moved under Section 311 Cr.P.C. for recalling and re-examination of prosecutrix and her husband filed by the petitioner has been dismissed.

Learned counsel for the petitioner submits that the learned Addl. District and Sessions Judge, Rohtak has failed to take into consideration the object for which the petitioner had asked for recalling the prosecutrix and her husband as it is the case of the petitioner to prove that the prosecutrix was having relations with the petitioner prior to her marriage.

In view of the above submission, this Court finds that while reasons have not been mentioned in the application moved by the petitioner and is a vague application which is the reason for rejecting the said application. Even if, the reasons as mentioned in the petition are considered, the same cannot be said to be sufficient for recalling the concerned

prosecutrix and her husband in the witness box. The petitioner has to prove his cause by bringing defense witnesses and placing defense exhibits, his statement under Section 313 Cr.P.C. would also have its own effect.

In view of the above, no interference is warranted in the order dated 25.04.2023 passed by the learned Addl. District and Sessions Judge, Rohtak.

The petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

31.05.2023

Raman

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No