

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

CRR No.1975 of 2023 (O&M)

Date of Decision: 04.09.2023

Smt. Rinki

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Lajpat Rai Sharma, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

CRM No.37085 of 2023

The instant application has been moved on behalf of the applicant-petitioner for seeking condonation of the delay of 16 days in filing the revision petition.

Heard.

Keeping in view the reasons as mentioned in the present application, the same is allowed as prayed for.

CRR No.1975 of 2023

By way of this petition, the petitioner has laid challenge to the order as passed by learned Additional Sessions Judge, Fast Track Special Court, Rewari on 17.05.2023, whereby the application (Annexure P-3), moved by her under Section 311 Cr.P.C with a prayer for re-examining her

in-chief, has been dismissed.

2. I have heard learned counsel for the petitioner in the present petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner contends that at the time of appearing as PW-9 before the trial Court earlier, the petitioner was not feeling well and therefore, she could not make depositions regarding certain crucial and material aspects of the case which would be essential to be brought on the record for the just decision of the case but vide the impugned order, learned trial Court has erroneously dismissed the above-referred application. To buttress his contentions, he has placed reliance upon the observations, as made by the Co-ordinate Bench in **Khushwinder Singh and another vs. State of Punjab 2007(1) R.C.R. (Criminal) 531.**

4. However, I do not find the afore-raised contentions to be tenable at all because the petitioner has not placed any material/document on the file to corroborate her version qua her illness on the relevant day. Rather, in Para No.2 in the impugned order, learned trial Court has categorically mentioned that as per the Reply filed on behalf of the respondent-State to the above-mentioned application, the petitioner, while appearing as PW-9, had supported the case of the prosecution and had proved her complaint and her statement recorded by the Legal Aid counsel and also her statement as recorded under Section 164 Cr.P.C as well as her Medico-Legal Report.

5. To add to it, throughout in her afore-said application, the petitioner has not whispered even a single word regarding the facts which

were not narrated by her while appearing in the witness-box as PW9, so as to facilitate/enable this Court to ascertain as to whether her re-examination-in-chief for bringing the same on the record, is necessary for the just and proper decision of the criminal case under reference, as envisaged under Section 311 Cr.P.C.

6. The observations made in **Khushwinder Singh and another (supra)**, are of no avail to the petitioner as the facts and circumstances of the instant case are distinguishable from those of the cited above because in the afore-noted case, the witnesses, who had turned hostile in the first instance, had prayed for their re-examination while pleading that earlier, they were under threat from one of the accused and had, therefore, not spoken the truth and the said accused had died later-on whereas it is not so in the present case.

7. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity and perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

04.09.2023
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>