

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**127****CRM-M No.50438 of 2023****Reserved on : 08.12.2023****Date of Decision : 15.12.2023**

Amit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jasdev Singh Thind, Advocate for the petitioner.

ALKA SARIN, J.

1. The present petition has been filed under Section 482 CrPC challenging the order dated 10.08.2023 passed by Additional Sessions Judge, Fast Track Special Court, Hisar whereby the application under Section 311 CrPC filed by the petitioner for recalling the victim for her further cross-examination has been dismissed.

2. Learned counsel for the petitioner would contend that the application filed by the petitioner herein for recall of the victim (PW1) for her further cross-examination has wrongly been dismissed. Learned counsel for the petitioner would further contend that due to lack of communication, material questions were left to be put to the witness. It is further the contention that the witness was to be confronted with a pen drive containing a conversation between the victim and the petitioner herein.

3. Heard.

4. In the present case, as per the impugned order dated 10.08.2023 the victim appeared in Court 06 times as counsel for the accused used to take adjournments and ultimately the victim was examined on 15.02.2023. The

victim in the present case is a minor and was subjected to lengthy cross-examination running into more than 08 pages. Thereafter, the present application was filed for recalling the victim for further cross-examination. Learned counsel for the petitioner during the course of arguments was not able to give the date as to when the accused got knowledge of the existence of such a recording. It has been noticed in the impugned order dated 10.08.2023 passed by the Additional Sessions Judge, Fast Track Special Court, Hisar that there is no recital of the date, month and year of such conversation.

5. In view of the fact that the witness already stands cross-examined in detail and there are no details forthcoming as to the date and place of the conversation, which is now sought to be put to the victim in her further cross-examination, I do not find any merit in the present petition, which is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

15.12.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO