

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2983-2024
Date of decision: 20th January, 2024

H

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. N. K. Khepar, Advocate for the petitioner.
Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The petitioner herein is seeking quashing of order dated 22.12.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Fast Track Court, Faridabad in case bearing No. SC/475/2023 titled as ‘State of Haryana Vs. Mukesh’ whereby an application filed by her for recording her statement before 15.01.2024, had been dismissed.

2. Shorn of unnecessary details, the relevant facts are that the petitioner is the complainant/prosecutrix in the above mentioned case FIR of which had been lodged on the basis of statement recorded by her against the accused persons and who are presently facing trial before the above mentioned Court. Her name has been cited as a witness in this case which is now fixed for 26.03.2024 for producing evidence by the prosecution. The petitioner had moved an application (Annexure P-2) before the concerned Court on 22.12.2023 submitting therein that her marriage was to be

performed in Bathinda, Punjab as on 15.01.2024 and she is presently residing in the house of her relatives at Faridabad and after her marriage, it would be difficult for her to appear there and hence her statement may be recorded before her marriage.

3. It is argued that learned counsel for the petitioner that her parents are old aged persons. Her marriage has been fixed for 15.01.2024 and her family members are ready to extend the date of her marriage for further two weeks. She would be settling in her matrimonial home at Punjab, thereafter. She is also willing to secure her future which requires that her statement is recorded before her marriage. As such, she has urged that a direction may be given to the learned trial Court to record her statement on or before 25.01.2024 as date of her marriage would not be able to be extended thereafter.

4. I have heard learned counsel for the petitioner and have gone through the record.

5. While passing the impugned order which is a detailed one, the learned Additional Sessions Judge has explained that his Court being a Fast Track Court for trial of cases under the provisions of POCSO Act, is a heavily busy Court having more than 680 trials and on daily basis approximately 3 to 4 numbers of prosecutrix(s) are examined apart from other witnesses. It can be very well imagined that recording of statement of a single victim of sexual crime takes long time and if some child victim is there, then the same takes even longer time. Learned trial Court after taking into consideration the number of cases fixed by in his Court on daily basis

has declined the prayer made by the petitioner. Moreso, even the petitioner has not been able to show that her marriage was actually fixed for 15.01.2024 which date has already gone. Her counsel has submitted that the same can be extended till 25.01.2024. However, this submission appears to be without any basis as no document either in the shape of wedding invitation card or any other material has been placed on record to show that her marriage was actually fixed for 15.01.2024 or has been extended after 15.01.2024. As such, no reasonable ground is made out to interfere in the impugned order as passed by the learned trial Court. Accordingly, the petition is dismissed.

[MANISHA BATRA]
JUDGE

20th January, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No