

CRR No.2503 of 2018 (O&M)

2024:PHHC:020341

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRR No.2503 of 2018 (O&M)
Date of Decision: 13.02.2024

STATE OF HARYANA

.....Petitioner(s)

Vs

RINKU AND OTHERS

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Rajiv Sidhu, D.A.G., Haryana
for the petitioner.

None for the respondents.

HARKESH MANUJA, J. (Oral)

CRM-26622-2018

Prayer made in this application is for condonation of delay of 360 days in filing the present revision petition.

Having heard learned State counsel; gone through the contents of the application and for the reasons mentioned in the application which makes out sufficient cause, the application is allowed. Delay of 360 days in filing the present revision petition is condoned.

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[1]. By way of present revision petition, challenge has been laid to the order dated 05.05.2017 passed by the Sub-Divisional Judicial Magistrate, Shahabad, whereby the application under Section 311 Cr.P.C. moved at the instance of the prosecution seeking permission to produce witnesses namely Dr. Aman Jain and Dr. Rajiv Goel, who have examined the injured stands declined.

[2]. Impugning the aforesaid order dated 05.05.2017, learned State counsel vehemently submits that evidence of the aforesaid two witnesses goes to the root of the matter as the said Doctors examined the injured persons and their statements are necessary for proving the MLRs of the injured persons so as to prove their injuries on record.

[3]. Notice of motion was issued on 02.08.2018, however no one appeared on behalf of the respondents despite service. Though the present petition qua respondent No.1 and 3 stands abated on account of their unfortunate demise.

[4]. I have heard learned State counsel and gone through the paper book. I find substance in the submissions made by him.

[5]. In the present case injuries were inflicted by the respondents upon the person of complainant and one other person, who were medico-legally examined by Dr. Aman Jain and Dr. Rajiv Goel and their MLRs were prepared. Though apparently there has been omission on the part of the prosecution while pursuing the trial, however considering the fact that MLRs of the injured persons are required to be proved for complete and effective adjudication of the trial in hand; the examination of the aforesaid two Doctors is very much relevant for arriving at a just conclusion and it would even help the Trial Court to adjudicate the case in hand in an effective manner.

[6]. Therefore, in the interest of justice and for affording an opportunity to the prosecution to put forth its case, the application filed under Section 311 Cr.P.C. for summoning and examination of the witnesses namely Dr. Aman Jain and Dr. Rajiv Goel is hereby allowed. Consequently, the present petition is allowed and

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the impugned order dated 05.05.2017 passed by the Sub-Divisional Judicial Magistrate, Shahabad is hereby set aside. However, the prosecution is directed to conclude its entire evidence on availing one effective opportunity to be granted by the Trial Court.

February 13, 2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No