



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

143

CRR-2063-2024 (O&M)
Date of decision: 21.10.2024

Union of India through NCB

....Petitioner

V/s

Kasturi Lal

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.P.S. Hundal, Senior Panel Counsel,
for the petitioner-Union of India.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-41912-2024

This application filed under Section 5 of the Limitation Act is
for condonation of delay of 70 days in filing the instant revision petition.

For the reasons stated in the application, the same is allowed.

Delay of 70 days in filing the instant revision petition is allowed.

CRR-2063-2024

1. The petitioner is impugning the order dated 06.05.2024 passed by the learned Judge, Special Court, Ludhiana as it is erroneous in law and against the facts of the case whereby their application filed under Section 311 of the Cr.P.C. for examination of witness-Sandeep Kumar, Intelligence Officer of NCB, in complaint case NDPS/6954 of 2022 in crime No.51 of 2016 dated 22.11.2016, under Sections 8/20/29 of the NDPS Act registered at Police Station NCB, Chandigarh, was dismissed.

**CRR-2063-2024 (O&M)****-2-**

2. Learned counsel for the petitioner submits that since the prosecution evidence is still being recorded before the trial Court, one last effective opportunity be granted to the petitioner to examine Sandeep Kumar, IO NCB as an additional prosecution witness; no prejudice would be caused to the accused much less any further delay in the conclusion of the trial.

3. I have heard learned counsel and perused the relevant material on record.

4. One effective opportunity to examine Sandeep Kumar, IO NCB, is granted to the petitioner as it would aid in the just and proper adjudication of the case.

5. Hence, without issuing notice to the respondent, to avoid any further delay, the impugned order dated 06.05.2024, is set aside. The instant petition is allowed in the following terms:-

- (i) The petitioner is granted only one effective opportunity to examine Sandeep Kumar, IO, NCB as an additional prosecution witness.
- (ii) In the event of default by the petitioner, the case shall not be adjourned any further for examination of Sandeep Kumar, IO, NCB as an additional prosecution witness and consequently opportunity to cross-examine this witness be deemed to be as nil.

(iii) This, however, shall be subject to payment of costs in the sum of Rs.10,000/- to be deposited with the DLSA concerned which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

October 21, 2024
poonam

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