



CRR-2796-2022 (O&M)

-1-

203

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

CRR-2796-2022 (O&M)

Date of Decision:- 04.11.2024

Pardeep Sharma

....Petitioner

Vs.

U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sanjeev Roy, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P, U.T, Chandigarh.

AMARJOT BHATTI, J.

Petitioner Pardeep Sharma filed criminal revision against impugned order dated 24.11.2022, passed by learned Judicial Magistrate 1st Class, Chandigarh, whereby application under Section 311 of Cr.P.C. has been dismissed.

2. As per the facts of case, in FIR number 76 dated 10.03.2016, under Sections 186, 294 and 509 of IPC, Police Station Industrial Area, Chandigarh, after completion of investigation, challan was presented on 15.03.2016. Charges were framed and prosecution evidence was being recorded, when present petitioner/accused filed application dated 03.09.2022 under Section 311 Cr.P.C. (Annexure P-1) for recalling witnesses namely PW2 HC Ajay Singh, PW3 Constable Sumit Kumar, PW4 Lady HC Rachna, PW10 ASI Jaswinder Kaur, PW11 SI Balbir Singh

**CRR-2796-2022 (O&M)****-2-**

and PW12 Investigating Officer SI Parmod Kumar for further cross-examination. Said application was contested by prosecution by filing reply (Annexure P-2). After hearing arguments, said application was declined by passing impugned order dated 24.11.2022. Feeling aggrieved of this order, present criminal revision has been preferred.

3. Learned counsel for petitioner argued that during trial, present petitioner pursued his case on his own and aforesaid prosecution witnesses were cross-examined. Recently, petitioner hired Counsel and came to know that aforesaid witnesses were not cross-examined on certain material points. Present petitioner, being a layman, was having no knowledge of law and its technicalities. Therefore, application was filed to recall aforesaid prosecution witnesses for further cross-examination. Without considering aforesaid facts, his application was declined without justification by passing impugned order dated 24.11.2022. It is prayed that present petitioner may be granted reasonable opportunity to cross-examine aforesaid witnesses in a proper manner so that he may not suffer prejudice. It is submitted that impugned order dated 24.11.2022 passed by learned Judicial Magistrate 1st Class, Chandigarh, may be set aside and aforesaid witnesses may be recalled for further cross-examination.

4. On the other hand, learned Counsel representing U.T. Chandigarh filed status report opposing present criminal revision. It is pointed out that petitioner duly cross-examined all witnesses in a proper and efficient manner. Regarding some of the witnesses, cross-examination was deferred and they were cross-examined on two dates. There is nothing on record to show that petitioner was not granted proper opportunity to

**CRR-2796-2022 (O&M)****-3-**

cross-examine witnesses. Considering the aforesaid facts, application filed by petitioner/accused under Section 311 Cr.P.C. was rightly rejected vide order dated 24.11.2022. It is submitted that criminal revision filed by petitioner is without merits.

5. I have considered the arguments and have gone through the record. Learned Counsel for petitioner has placed on record statements of witnesses regarding which application has been filed to recall them for further cross-examination. It is an admitted fact that initially witnesses were cross-examined by petitioner/accused. Thereafter, he hired Mr. Raman Walia, Advocate and thereafter application is filed to recall said witnesses for cross-examination. In the case in hand, trial pertains to FIR No. 76 dated 10.03.2016 under Sections 186, 294 and 509 of IPC, Police Station Industrial Area, Chandigarh, case titled "State vs. Pardeep Sharma". Perusal of statement of HC Ajay PW2 (Annexure A-1) indicates that his examination-in-chief was recorded on 11.08.2017 and he was cross-examined on 18.09.2017 and 15.12.2017. Similarly, Ct. Sumit Kumar PW3 (Annexure A-2) was examined-in-chief on 11.08.2017. His cross-examination was deferred and he was cross-examined on 18.09.2017, 15.12.2017 and 14.06.2018. Witness Lady Head Constable Rachna PW4 (Annexure A-3) was examined-in-chief on 11.08.2017 and she was cross-examined on 29.11.2021. Witness ASI Jasvinder Kaur PW10 (Annexure A-4) was examined on 20.09.2021. Witness retired SI Balbir Singh PW11 (Annexure A-5) was examined on 12.10.2021, whereas witness SI Parmod Kumar PW12 (Annexure A-6) was examined on 12.10.2021. Aforesaid record clearly indicates that petitioner was given fair opportunity to cross-

**CRR-2796-2022 (O&M)****-4-**

examine said witnesses during trial. It was personal choice of petitioner to conduct cross-examination of said witnesses on his own. Trial pertains to FIR registered in the year 2016. Considering the aforesaid factual position, I do not find any reason to recall aforesaid witnesses for further cross-examination. It will also cause inconvenience to witnesses who have already deposed in Court and faced cross-examination at length. Merely petitioner has hired service of an Advocate will not justify application under Section 311 Cr.P.C. for recalling aforesaid witnesses for further cross-examination. In fact, it will further lead to delay in proceedings of trial.

In the light of aforesaid facts, I do not find any reason to interfere in impugned order dated 24.11.2022, passed by learned Judicial Magistrate 1st Class, Chandigarh and same is accordingly upheld. Criminal revision preferred by petitioner is accordingly dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

04.11.2024

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No