

**Sr. No.110****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-2219-2024****Date of decision: 08th November 2024****ASHUTOSH ALIAS ASHU****.....Petitioner****versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Yogender Nain, Advocate
for the petitioner (through VC).

Mr. Kirpal Singh Thakur, AAG, Haryana, with
Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present revision petition is for setting aside the order dated 25.10.2024, passed by the learned Additional Sessions Judge, Fast Track Court, Faridabad, whereby, the application filed under Section 311 Cr.P.C., for re-examining the prosecutrix, has been dismissed.
2. An application was moved for further cross-examination of the prosecutrix, who was already examined on 22.12.2022 as PW-1.
3. Learned counsel for the petitioner contends that the report of the Forensic Science Laboratory, Bhondsi, Gurugram was received on 27.04.2024, as per which, semen could not be detected. As such, the petitioner wants further cross-examination of the prosecutrix to be conducted. It is further contended that the earlier counsel did not put all the material questions to the prosecutrix.
4. I have heard the learned counsel for the petitioner and perused the relevant documents.



5. The trial Court has observed that the age of the prosecutrix is 17 years and as per the provisions of Section 33(5) of the Protection of Children from Sexual Offences Act, 2012, the Special Court has to ensure that the child is not called repeatedly to testify in the Court. It has been further opined that the examination of PW-1 was conducted way back on 22.12.2022 and she was cross-examined at length by the defence counsel.
6. Learned counsel for the petitioner could not show any material questions, which were left at the time of conducting cross-examination of PW-1 two years prior to the filing of the filing present application.
7. The order dated 25.10.2024, passed by the Additional Sessions Judge, Faridabad, is well reasoned. Merely on the ground that subsequently the Forensic Science Laboratory Report was received, the minor victim cannot be re-called for cross-examination. More so, the Forensic Science Laboratory Report is a documentary evidence and is not required to be confronted to the prosecutrix.
8. In view of the above, no ground is made out for interference in the impugned order dated 25.10.2024, passed by the Additional Sessions Judge, Faridabad.
9. Consequently, the present petition stands dismissed.
10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08th November 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No