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According to the Petitioner the Aforementioned Vs. Pawan Kumar .....Petitioner

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Court : Punjab and Haryana

Decided On : Aug-19-2014

Appellant : According to the Petitioner the Aforementioned

Respondent : Pawan Kumar .....Petitioner

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Criminal Revision No.2406 of 2014 Date of Decision : August 19, 2014 Pawan Kumar .....Petitioner VERSUS State of Punjab .....Respondent CORAM: HON'BLE Mr.JUSTICE T.P.S.MANN Present : Mr.U.K.Kanwar, Advocate T.P.S.MANN, J.

(Oral) The petitioner, who stands arraigned as accused in FIR No.1 dated 3.1.2014 registered at Police Station Khuian Sarwar, District Fazilka for offences under Sections 363/ 366-A/376/34 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, has filed the present revision for challenging the order dated 21.7.2014 passed by Additional Sessions Judge, Fazilka, whereby prayer made by him for one more opportunity to cross-examine PW2, PW3 and PW10 has been declined.

According to the petitioner, the aforementioned three witnesses were examined by the prosecution.

Subsequent thereto, the petitioner obtained certified/attested copies of applications dated 2.1.2014, 3.1.2014 and 9.1.2014 under the Right to Information Act and the same were required to be put to the aforementioned witnesses by way of further cross-examination.

It is not in dispute that the prosecution has already concluded its evidence and now the case is fixed for defence and arguments.

At that stage, the petitioner, after obtaining certified/attested copies of the aforementioned three applications under the Right to Information Act wants to further cross-examine the three prosecution witnesses, as Criminal Revision No.2406 of 2014 -2- mentioned above.

However, once the prosecution has already closed its evidence, the petitioner cannot be granted one more opportunity to further cross-examine the three prosecution witnesses qua the applications dated 2.1.2014, 3.1.2014 and 9.1.2014.

The petitioner was very well aware of the existence and contents of the aforementioned three applications but during the examination of the prosecution witnesses, he did not make any attempt to obtain their certified/attested copies and to cross-examine the three witnesses in respect of them.

Only once the prosecution was able to complete the recording of its evidence that the petitioner has woken up to obtain certified/attested copies of the three applications and then to plead for one more opportunity for further cross-examining the three prosecution witnesses qua the contents of those applications.

The only intention on the part of the petitioner by filing the present revision is to delay the trial of the case which cannot be allowed.

The petition is without any merit and, therefore, dismissed.

(T.P.S.MANN) August 19, 2014 JUDGE satish SATISH KUMAR201408.21 11:34 I attest to the accuracy and integrity of this document Chandigarh

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