

Hemant Vs. State

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Court : Madhya Pradesh

Decided On : Mar-02-2005

Reported in : 2005(3)MPHT398

Judge : Ashok Kumar Tiwari, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 311

Appeal No. : Criminal Revision No. 105/2005

Appellant : Hemant

Respondent : State

Advocate for Def. : Manoj Dwivedi, Govt. Adv.

Advocate for Pet/Ap. : A.K. Saraswat, Adv.

Disposition : Revision dismissed

Judgement :

ORDER

Ashok Kumar Tiwari, J.

1. Learned Trial Court has summoned some witnesses under Section 311 of Code of Criminal Procedure. Learned Trial Court has not committed any error much less the jurisdictional error or any irregularity much less any material irregularity in

summoning the witnesses. Under Section 311 of Criminal Procedure Code, Court has power to call any witness if his evidence appears it to be essential to the just decision of the case.

2. Learned Counsel for the applicant has contended that the witness has been called on a belated stage and the case is pending for a long time, therefore, the order of summoning the witnesses be quashed.

3. The contention of the learned Counsel for the applicant can not be accepted as the Court can summon any witness or witnesses under Section 311 of Code of Criminal Procedure at any stage of the trial before the judgment is delivered. Therefore, the order of the Trial Court can not be said to be illegal or irregular. The case is pending for a long time is also not a valid ground to quash the order of summoning of witnesses.

4. The revision is thus devoid of any merit. Hence, it is dismissed, however, with the observation that the learned Trial Court shall try to decide the case in accordance with the law as expeditiously as possible.

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