

**Hon'ble Prafulla C. Pant**

Shri Parikshit Saini, Advocate, present for the petitioner.

Shri M.A. Khan, Brief Holder, present for the State.

Heard.

By means of this petition moved under section 482 of Code of Criminal Procedure, 1973 (for short Cr.P.C) the petitioner has sought quashing of the order dated 09.05.2010, passed by IV Fast Track Court/Additional Session Judge, Haridwar, in sessions trial no. 113 of 2009, State vs. Baburam, relating to offence punishable under section 302 IPC, P.S. Laksar.

By the impugned order the trial court has rejected the application of the petitioner/accused to recall PW3 Rajbal, for cross-examination.

Perusal of the papers on record show that the accused was given opportunity to cross-examine the witness. If the practice of recalling the witnesses for cross-examination on later dates is allowed, this would be encourage the winning over of the witnesses and frustrate object of the criminal justice system. I agree with the reasons given by the trial court in its impugned order dated 04.05.2010, while rejecting the application of the accused for recalling of PW3 Rajbal.

In the above circumstances the impugned order does not suffer from any illegality, and requires no interference.

Accordingly, the petition under section 482 of Cr.P.C, is dismissed summarily.

**(P.C.P,J)**

31.05.2010

