

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 684 of 2012

Md. Jamil Akhtar @ Jamil Akhtar Petitioner

Versus

The State of Jharkhand & Another Opposite Parties

CORAM : HON'BLE MR. JUSTICE H. C. MISHRA

For the Petitioner : Mr. Mohit Prakash, Advocate

For the State : A.P.P.

2/ 31.01.2013 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is aggrieved by order dated 20.7.2012, passed by the learned Sessions Judge, Koderma, in S.T. No. 49 of 2010, whereby the application filed under Section 311 of the Cr.P.C., by the defence for recalling P.W. 6 and P.W. 7 for their further cross-examination has been rejected by learned Court below.

It appears from the impugned order that the petitioner is facing trial for the offence under Sections 341, 323, 379, 307, 406, 498-A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. The witnesses were examined in the case including P.W. 6 Asma Asmin, who is wife of the petitioner and P.W.7 Md. Sahlaluddin. The impugned order shows that both these witnesses were cross-examined at length and thereafter, two witnesses were also examined and cross-examined. It also appears that after cross-examination of P.W. 6 and P.W.7, no application was filed that some relevant questions were left to be asked from those witnesses. The impugned order shows that at the fag end of trial, the application has been filed only with the intention to linger the trial and the Court below was also of the opinion that the cross-examination of these witnesses was not required for just decision of the case and accordingly, the application filed by the petitioner was dismissed.

Learned counsel for the petitioner has submitted that some questions were left to be asked from those witnesses and accordingly, for the just

decision of the case, it would be necessary for recalling the said witnesses for their further cross-examination.

Learned A.P.P. for the State has submitted that there is no illegality in the impugned order worth interference in the revisional jurisdiction.

After having heard learned counsels for both sides and upon going through the impugned order, I find that the Court below has clearly stated that no case is made out for further cross-examination of these witnesses and the same is not required for just decision of the case and accordingly, the application has been dismissed. It goes without saying that if the defence wants to brings something on record in its favour, the defence can adduce evidence at the appropriate stage and that stage is still open to the petitioner.

In the facts of the case, as the both witnesses were cross-examined at length and were discharged and even thereafter, two witnesses have been examined by the Court below, I do not find any illegality and/or irregularity in the impugned order passed by the Court below rejecting the application filed by the petitioner for recalling those witnesses.

There is no merit in this revision application and the same is, accordingly, dismissed.

(H. C. Mishra, J.)