

Criminal Revision No.133/2014

28-02-2014

Ms. Anita Kaithwas, learned counsel for the applicant.

Shri A.K. Sharma, Panel Lawyer for respondent-State.

Heard.

This criminal revision under Section 397/401 of the Code of Criminal Procedure, 1973 is directed against the order dated 10.1.2014 passed by Second Additional Sessions Judge, Hoshangabad in S.T. No.134/2012; whereby, application under Section 311 of CrPC preferred by accused, has been allowed.

Accused are being tried for offences under Sections 323, 294, 506/34, 324 and 326 of the IPC on a prosecution story that they committed marpeet with complainant, who is husband of daughter of respondent no.2 and sister of respondent no.3.

At the trial, respondent no.2 and 3 filed an application under Section 311 of CrPC for re-examination of Dr. S.K. Shukla (PW2), Dr. Vijay Kumar Aarakh (PW3), Ballu @ Sanosh (PW5) on the ground that there being contradiction in the deposition of these witnesses as regard to injury and the advice given, which requires elucidation for proper defence.

Trial Court recording no objection from the public prosecutor, allowed the application.

Challenging the order, it is urged that sufficient evidence was recorded of PW2, PW3 and PW5, who were extensively cross examined and therefore, there was no scope in re-examining them.

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Section 311 of CrPC vests a vast discretion in the Court to meet the end of justice to summon any person as a witness or recall and re-examine any person already examined.

In the case at hand, in the given facts, the trial Court did not commit any error in allowing re-examination of the above-mentioned prosecution witnesses.

Consequently, revision fails and is dismissed.

(SANJAY YADAV)
JUDGE

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