
(2012) 03 SHI CK 0519
In the High Court Of Himachal Pradesh
Case No : Criminal MMO No. 255 of 2011

Manohar Lal

APPELLANT

Vs

Surinder Verma

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 311

Citation : (2012) 03 SHI CK 0519

Hon'ble Judges : Kuldip Singh, J

Bench : Single Bench

Advocate : Mohan Singh, for the Appellant; Nitin Misra, for the Respondent

Final Decision : Dismissed

Judgement

Kuldip Singh, Judge

1. This petition has been directed against order dated 13.12.2011 passed by Judicial Magistrate 1st Class, Kandaghat in Criminal Complaint No. 19/3 of 2010. It has been submitted by the learned counsel for the petitioner that the learned Magistrate has erred in not permitting examination of two witnesses mentioned in the application dated 21.11.2011 filed u/s 311 Cr.P.C. The learned counsel for the petitioner has stated that the witnesses mentioned in the application dated 21.11.2011 were earlier listed witnesses of the petitioner when the evidence of the petitioner was closed on 29.9.2011 by the order of the Court. I have gone through the impugned order. The learned Magistrate has observed that the petitioner was granted 8 opportunities to lead evidence but despite that he failed to produce his evidence and as such, as per the order dated 29.9.2011, his evidence was closed. The order dated 29.9.2011 has not been challenged by the petitioner. The witnesses now sought to be examined by the petitioner on the basis of application dated 21.11.2011 are the same witnesses who were not permitted by the Court to be examined by the petitioner inasmuch as he failed to produce those witnesses even after giving 8 opportunities.

2. In the application dated 21.11.2011 no ground has been stated why the said witnesses were not examined earlier and why and on what grounds now the permission be granted to the petitioner to examine those witnesses. There is no merit in the petition which is accordingly dismissed.

Cr. M.P.No. 986 of 2011

In view of disposal of the main petition, this application has become infructuous.