

(2018) 02 RAJ CK 0038
In the Rajasthan High Court
Case No : 4042 of 2017

Mohan Lal S/o Shri Mota Ram Ji

APPELLANT

Vs

The State of Rajasthan Through Learned Public Prosecutor &
Ors

RESPONDENT

Date of Decision : 20-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#), [Section 311](#) - Saving of inherent powers of High Court - Power to summon material witness, or examine person present

Citation : (2018) 02 RAJ CK 0038

Hon'ble Judges : Sandeep Mehta

Bench : Single Bench

Advocate : Ripudaman Singh, M.S. Panwar, A.K. Choudhary

Final Decision : Dismissed

Judgement

1. Heard.

2. By way of the instant petition under Section 482 CrPC, the accused petitioner has approached this court for challenging the order dated

10.10.2017 passed by learned Additional Sessions Judge, Bali, whereby the application moved by the accused under Section 311 CrPC with a

prayer for recalling the witnesses Valaram and Smt. Anchi Bai for further cross-examination was dismissed.

3. I have heard and appreciated the arguments advanced by learned counsel for the parties and have perused the order impugned as well as the

application filed on behalf of the accused in the trial court under Section 311 CrPC.

4. Ex facie on appreciating the contentions advanced at bar and on perusal of the grounds set out in the application filed on behalf of the accused,

this court is of the view that there are no reasons whatsoever in the application, which could have persuaded the trial court to exercise its powers

under Section 311 CrPC for recalling and permitting further cross-examination of these witnesses. A perusal of the statements of the relevant

prosecution witnesses examined by the trial court indicates that they were subjected to detailed cross-examination by the previously appointed

defence counsel appearing for the accused. It appears that the application under Section 311 CrPC came to be filed because there was a change

of defence lawyer, whose appointment appears to be the catalyst in filing of the said application.

5. In view of these facts and finding no shortcoming, either factual or legal in the impugned order, I am not inclined to exercise this court's inherent

powers under Section 482 CrPC so as to interfere therein. Hence, the instant miscellaneous petition as well as the stay petition are dismissed as

being devoid of merit.