

(2018) 03 RAJ CK 0050

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 915 of 2018

Ramdev Singh @APPELLANT@Hash State Of Rajasthan

Date of Decision : 07-03-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 313, 482

Citation : (2018) 03 RAJ CK 0050

Hon'ble Judges : KANWALJIT SINGH AHLUWALIA, J

Bench : Single Bench

Advocate : V R Bajwa, Prakash Thakuriya

Final Decision : Allowed

Judgement

The present petition has been filed under Section 482 Cr.P.C. praying that the accused petitioner be granted one opportunity to lead defence evidence

in Sessions Case No.17/2017 titled as State/Ramdev.

The learned counsel for the petitioner has contended that the statement of the accused petitioner under Section 313 Cr.P.C. was recorded on

18.9.2017. Thereafter, three opportunities were granted by the trial court on 4.10.2017, 23.10.2017 and 2.11.2017 to lead defence evidence. The

learned counsel for the petitioner contends that the petitioner is behind the bars from the last more than five years. It is submitted that the prosecution

availed five years to lead prosecution evidence, whereas the petitioner accused was compelled to lead entire defence evidence within the span of

twenty-eight days. The learned counsel for the petitioner has submitted that one opportunity may be granted to the petitioner to examine four

witnesses namely Amar Singh, Jai Singh, Dr. Arti Nidha and Dr. Pradeep Sharma, as defence witnesses. The learned counsel for the petitioner has

stated that he will examine all the four witnesses on one day at his own risk and

cost.

The learned Public Prosecutor having opposed the petition could not give any justifiable reason as to why one opportunity to lead defence evidence

could not be afforded to the accused petitioner.

Consequently, the present petition is allowed. It is ordered that on 12.3.2018, the trial court shall fix a short date for leading defence evidence subject

to convenience and calendar of the court. On the short date fixed by the trial court, the petitioner will examine all the four witnesses named above at

his own risk and cost. Further direction is issued to the trial court that on the said date evidence of all the four witnesses shall be recorded and in case

same is not concluded, the recording of evidence of witnesses shall continue on the next day.