
(2025) 08 UK CK 0595

In the Uttarakhand High Court

Case No : Criminal Miscellaenous Application No. 1004 Of 2022

Vineet Sharma Alias Cheenu Pandit

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 13-08-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 311, 482
Indian Penal Code, 1860 — Section 34, 302

Citation : (2025) 08 UK CK 0595

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Divya Jain, Tumul Nainwal, Chitrarth Kandpal, Sadaf

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. The present Application under Section 482 of the Code of Criminal Procedure, 1973 (in short, "Code") has been filed on behalf of the applicant-accused Vineet Sharma alias Cheenu Pandit challenging the impugned order dated 25.05.2022, passed by learned Ist Additional Sessions Judge, Roorkee, District Haridwar in Sessions Trial No.175 of 2016, "State of Uttarakhand Vs. Rajeev Sharma and Others", whereby his Application under Section 311 of the Code for being granted an opportunity to cross-examine the prosecution's witness-Amit Verma, PW2, has been dismissed.

2. Heard Ms. Divya Jain, learned counsel for applicant, Mr. Tumul Nainwal, learned Assistant Government Advocate for respondent and Ms. Sadaf, learned counsel for Suman Lata, the mother of the deceased.

3. The trial under Section 302 read with Section 34 of the Indian Penal Code, 1860 is pending before the said Court.

4. It is not in dispute that the applicant was in judicial custody at the time of

examination of the witness-Amit Verma, PW2 and the applicant was not granted any opportunity to cross-examine the witness Amit Verma, PW2.

5. Mr. Tumul Nainwal, learned Assistant Government Advocate and Ms. Sadaf, Advocate, has opposed the present Application, filed under Section 482 of the Code and submitted that several criminal cases are pending against the present applicant.

6. The right to cross-examine a witness is a fundamental aspect of a fair trial. Denying this right can be considered a violation of natural justice. The right of cross-examination is a very salutary right and the accused would have to be given an opportunity to cross-examine the witness of the prosecution. The power under Section 311 of the Code must be invoked by the Court in order to meet the ends of justice.

7. Ms. Divya Jain, Advocate, submitted that the cross-examination of Amit Verma, PW2 shall be concluded on the same day for which the date will be fixed by the trial court.

8. Mr. R.K. Saklani, the Station House Officer, Kotwali Gangnagar, District Haridwar is present through video conferencing. He has assured to provide all kinds of security to the witness Amit Verma, PW2.

9. In the light of the admitted fact that the applicant has not been given any opportunity to cross-examine the witness Amit Verma, PW2, it would be appropriate to grant one opportunity to the applicant to cross-examine the prosecution's witness Amit Verma, PW2.

10. Consequently, the impugned order dated 25.05.2022 is hereby set aside and the Application, filed by the applicant under Section 311 of the Code, is allowed accordingly.

11. Learned trial court is directed to fix a date and call the prosecution's witness Amit Verma, PW2 for cross-examination. It is also directed that the witness Amit Verma, PW2 be cross-examined on the same date. If the cross-examination of the witness Amit Verma, PW2 on behalf of the applicant is not concluded on the same day, then the applicant will not be granted any further opportunity for cross-examination. Learned Judge of the trial court would see that the witness Amit Verma, PW2 would not be intimidated in the garb of cross-examination. Information about the date fixed by the trial court for cross-examination of the witness Amit Verma, PW2 shall be given to the Station House Officer, Kotwali Gangnagar, District Haridwar by the Government counsel conducting the prosecution before the trial court.

12. With the aforesaid directions, the present Application (C482 No.1004 of 2022), filed under Section 482 of the Code, stands allowed.