

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 6472/2016

Paras Mal S/o Shri Bhanwar Lal Jain, R/o Shahpura Mohalla,
Beawar, Distt. Ajmer

-----Petitioner

Versus

1. State of Rajasthan Through P.P.
2. Sona S/o Heera Gurjar, R/o Village Beawar Khas, Police Station Beawar Sadar, Distt. Ajmer Raj.
3. Sohan S/o Moti, R/o Makrera, Police Station, Beawar Sadar, Distt. Ajmer Raj.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP Mr. Ripu Daman Singh Naruka with Mr. Ashir Gouri

JUSTICE ANOOP KUMAR DHAND

Order

22/04/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 01.07.2015 passed by the Additional Chief Judicial Magistrate No.1, Beawar in Criminal Case No. 93/2007 by which the application submitted by the accused-respondent Nos. 2 & 3 under Section 311 Cr.P.C. has been allowed and a witness PW2-Parasmal has been re-summoned for the purpose of cross-examination. The complainant-petitioner against the aforesaid submit a revision petition before the Additional District & Sessions Judge No.1, Beawar, but the same was rejected vide impugned order dated 05.10.2016.

2. Perusal of the record indicates that the accused persons are facing trial for the offences punishable under Sections 323, 341, 392 IPC in Criminal Case No. 93/2007 before the Court of the Additional Chief Judicial Magistrate No.1, Beawar. It appears that when the examination-in-chief of the witness PW2-Parasmal was recorded, certain objections were taken and the cross-examination could not be done by counsel appearing on behalf of the accused. Hence, under these circumstances, the opportunity of cross-examination of the accused was closed. Thereafter, an application was submitted by the accused-respondents No.2&3 on 11.05.2015 for re-summoning the aforesaid witness for the purpose of cross-examination. The aforesaid application was allowed by the learned Magistrate vide order dated 01.07.2015, by passing a reasoned and cogent order while exercising the powers contained under Section 311 Cr.P.C. for just decision of the case.

3. In the considered opinion of this Court, cross-examination is a statutory right of an accused and he cannot be denied to avail such statutory right.

4. In the considered opinion of this Court, both the Courts below has not committed any error in passing the impugned orders which warrants any interference of this Court. Hence, the instant petition is liable to be and is hereby rejected.

5. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J