

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1658 OF 2009
[Arising out of SLP(Crl.) No. 6787/2007]

MANOJ SINGH ... APPELLANT(S)

:VERSUS:

STATE OF JHARKHAND AND ANR. ... RESPONDENT(S)

O R D E R

We have heard the learned counsel for the parties.

Leave granted.

This appeal is directed against the order dated 26.2.2007 passed by the High Court of Jharkhand at Ranchi in Criminal Revision No. 878/2004. Brief facts which are necessary for the disposal of this appeal are recapitulated hereunder.

The appellant herein filed an application under Section 217 of the Code of Criminal Procedure for recalling of PWs. 1, 2, 3, 6, 7 and 8 for cross-examination on the ground that charge in this case was altered on 13.9.2004. As admittedly the charge has been altered and an application under Section 217 Cr.P.C. has been filed, in the interest of justice, we are of the opinion that the appellant should be granted an opportunity to cross-examine the witnesses after

recalling the same. Learned counsel for the appellant

-2-

submits that it may not be necessary to cross-examine Dr. Ajit Kumar Chaudhary (PW-2).

We accordingly direct PW-1 Prinka Kumar, PW-3 Yadunandan Singh, PW-6 Anil Kumar Singh, PW-7 Rajendra Tripathi and PW-8 Faizal Ahmad shall appear before the Trial Court on 14th September, 2009. Learned Trial Court would try the examine the above-mentioned witnesses on 14th September, 2009 and if it is not possible on that date, then the case may be taken up on 15th and 16th September, 2009 for cross-examination.

The cross-examination shall, however, be confined to the alteration of the charge.

The Trial Court shall stick to the time schedule and would not entertain any unnecessary and unreasonable request for adjournment either on behalf of the prosecution or on behalf of the accused persons.

The appeal is disposed of accordingly.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
AUGUST 28, 2009.

