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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3051/2010

RAM PARVESH TIWARI Petitioner
Through Mr. Manish Gandhi, Adv.

versus

STATE & ANR Respondents
Through Mr. Navin Sharma, counsel for the
State.

CORAM:
HON'BLE MR. JUSTICE S.L.BHAYANA

ORDER
24.09.2010

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Crl. M.A. No. 15547/2010

Exemption allowed, subject to all just exceptions.

Crl. M.C. No. 3051/2010 & Crl. M.A. No. 15546/2010 (Stay)

Notice.

Mr. Navin Sharma, Advocate accepts notice on behalf of the
State.

The petition has been filed by the petitioner under Section 482
Cr.P.C with the prayer that the order dated 01.5.2010 passed by the
learned Trial Court be set aside.

The learned Trial Court vide impugned order dated 01.5.2010
has stated that the application under Section 311 Cr.P.C was filed by
petitioner for recalling the PW1, R.S. Sharma/complainant when the
case was at the stage of recording of the statement of the accused. It
is further mentioned in the said order that the petitioner came to know

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that the PW1, R.S. Sharma/complainant has admitted in other case that the complainant company has no concern with jhuggi or its allotment and that the complainant company has filed a list of properties but that list did not mention the property in question and that the petitioner wanted to put these documents to the witness in the cross-examination. Vide impugned order dated 01.5.2010, learned counsel for the complainant had submitted that they are not denying at all these documents and if the certified copies of these documents are placed on record, the complainant will admit these documents and therefore there is no need to produce the PW-1, R.S. Sharma/complainant for his cross-examination. The Trial Court has held that PW1, R.S. Sharma/complainant has already been cross-examined at length on 22.2.2010 by the counsel for the petitioner. Since the witness was already cross-examined at length, no order for recalling the said witness was passed by the Trial Court. The Trial Court dismissed the application of the petitioner under Section 311 Cr.P.C.

Heard.

I have gone through the order dated 01.5.2010 passed by the learned Trial Court and I do not find any infirmity in the order passed by the learned Trial Court on 01.5.2010.

There is no ground for recalling the PW1, R.S. Sharma/complainant when he has already been cross-examined at

length on 22.2.2010 by counsel for the petitioner.

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There is no merit in the petition and the same is, therefore,
dismissed.



S.L.BHAYANA,J

SEPTEMBER 24, 2010

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