

#32

11.11.2010

Present: Mr.Mukesh Kalia, Advocate for the petitioner.

Ms.Fizani Husain, APP for the respondent/State.

+Crl.M.C.No.3510/2010

Petitioner is aggrieved of the order of learned Additional Sessions Judge dated 16th October 2010 rejecting the application of the petitioner for recalling the Investigating Officer Inspector Heera Lal(PW-23) for cross examination. It is submitted that on the relevant date of hearing, Inspector Heera Lal could not be examined on behalf of the petitioner Vivek Sharma due to non availability of his counsel and if he is not permitted to cross examine the witness, it would result in grave injustice to him.

Learned APP has no objection if the prayer of the petitioner is allowed.

In view of the concession given at the Bar and the submissions made by learned counsel for the petitioner, the impugned order dated 16th October 2010 is set aside and the trial court is directed to summon PW-23 Inspector Heera Lal for cross examination by the petitioner. It is, however, made clear that the petitioner shall not seek any adjournment on the relevant day and conclude his cross examination on the date ^{to be fixed} fixed by the trial court.

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Signature Not Verified

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the physical file and no page is missing.

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CrI.M.C.3510/2010

Copy of this order be given dasti under the signature of the Court Master.


(AJIT BHARIHOKE)
JUDGE

NOVEMBER 11, 2010

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