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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3577/2010 with CrI. M.A. No. 17450/2010

ASHISH KUMAR

..... Petitioner

Through Mr. Harish Gulati, Adv. and Mr. Deepti Gulati,
Adv.

versus

UOI & ORS

..... Respondent

Through Mr. Harish Gulati for CBI (R-4)
Mr. Jatan Singh, CGSC for UOI

CORAM:

JUSTICE SHIV NARAYAN DHINGRA

ORDER

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18.11.2010

By this petition the petitioner has assailed order dated 29th June, 2010 whereby the application moved by CBI for personal appearance of respondent No. 3 Sumedh Singh Saini for identification by witnesses during recording of evidence was dismissed.

Respondent No. 3 Sumedh Singh Saini is a serving officer of Punjab Police. He was exempted from his personal appearance on the undertaking that his identification will not be disputed. His identification is still not being disputed by his counsel. Thus the issue of identification is not material at all so long as identity is not disputed. I, therefore, consider that the Trial Court rightly dismissed the application pressing personal appearance of the accused No. 1/respondent No. 3 in the Court.

The counsel for the petitioner then submits that personal appearance of the accused was exempted on the basis of a secret report submitted to the Trial Court and the applicant/petitioner has learnt that in the secret report the applicant was also shown as a person of potential threat to the accused. He submits that there is possibility that in

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future the petitioner may be eliminated on the basis of this false report.

The report is not subject matter of adjudication before the trial court. The trial court could not have passed any order in respect of apprehension of the petitioner. There are other forums for such apprehensions of the petitioner. The petition is hereby dismissed with liberty to the petitioner to approach any appropriate forum for his apprehensions.


SHIV NARAYAN DHINGRA, J

NOVEMBER 18, 2010

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