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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3452/2011**

% Judgment delivered on: 31st October, 2011

SURENDER KUMAR Petitioner

Through: Mr. Ajay Kumar, Adv.
and Sandeep Mittal, Adv.

versus

STATE Respondent
Through: Ms.Rajdipa Behura, APP for
State.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | No. |
| 2. To be referred to Reporter or not? | No. |
| 3. Whether the judgment should be reported
in the Digest? | No. |

SURESH KAIT, J. (Oral)

+ **CRL. M.C. 3452/2011**

1. Vide the instant petition, the petitioner has prayed the
following:-

- a. *Set aside the order dated 26.07.2011 passed in case titled State Vs. Sattar Ali and Ors. in FIR no. 464/2010, PS-Timarpur and thereby issue the directions to the Ld. Trial Court to issue the summons to the defence witnesses mentioned in column b to f in para 4 of the application filed by the petitioner.*
- b. *Any other order/s may kindly be passed which this Hon'ble Court deems fit and proper in the interest of justice.*

2. During trial, the petitioner moved an application for issuing summons / notices to the defence witnesses as mentioned in the said application. The said application was partly allowed vide order dated 26.07.2011. In the said order, the prayer at serial no. A and G was allowed and prayer at serial no. B to F was not allowed.

3. After going through the application, made by the petitioner, I am of the view that Ld. Trial Judge should have allowed the application in the interest of justice.

4. Accordingly the order dated 26.07.2011 is set aside to the extent: prayer of the petitioner not allowed.

5. Vide order dated 17.10.2011, proceedings before the trial court were stayed.

6. Since the petition has been disposed, the petitioner is directed to appear before the trial court on 26.11.2011 the date already fixed for directions.

7. Crl.M.C. 3452/2011 is allowed on the above terms and disposed of accordingly.

8. Since Crl. M.C. No.3452/2011 is allowed, Crl. M.A.

No.12237/2011 become infructuous and disposed of as such.

OCTOBER 31, 2011
jg

SURESH KAIT,J