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

+ CRL.M.C. 4203/2017 & Crl. M.A. No. 16864/2017

SOUMITRA KUMAR NAHAR & ANR Petitioners
Through Mr. Attin Shankar and Ms. Ashmita
Chhibber, Advs.

versus

CBI Respondent
Through Mr. Narender Mann, SPP with Mr.
Manoj Pant, Adv. & IO Bal Krishan
Prasad

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **02.11.2017**

Petitioners had filed an application under Section 311 Cr.P.C. for recalling of PW6 and PW8, which has been dismissed by the learned Chief Metropolitan Magistrate, Delhi by the order impugned in this petition.

I have perused the statements of PW6 and PW8 recorded before the trial court, which indicates that these witnesses were cross-examined at length by the counsel for petitioners. Opportunity was granted to the petitioners' counsel to cross-examine them, which was availed. Merely because, a new counsel has been engaged, who is not satisfied with the cross-examinations of PW6 and PW8 conducted by the earlier counsel, itself

is not the ground to recall the witnesses, who had already been cross-examined at length for vague reasons and in order to fill-up some lacuna.

Learned Chief Metropolitan Magistrate has also observed in the impugned order that PW6 and PW8 have been subjected to detailed cross-examination, inasmuch as only vague plea had been taken to the effect that the witnesses could not be cross-examined by the previous defence counsel on some material aspects, touching upon the allegations and investigation.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 02, 2017

r.bararia