

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

RESERVED ON : FEBRUARY 11, 2015.

DECIDED ON : FEBRUARY 19, 2015

+ CRL.REV.P. 578/2014 & CrI.M.A.14527/2014

MEHBOOB HASAN

..... Petitioner

**Through: Mr. Hasan Anzar with Mr. Samama
Suhail, Advocates.**

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

**Through: Mr. Navin K. Jha, APP.
Insp. Sanjay Kumar, P.S.Najafgarh.**

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

1. The instant revision petition has been filed by the petitioner to challenge the legality and propriety of order dated 29.08.2014 of learned Additional Sessions Judge-03, Dwarka by which an application under Section 311 Cr.P.C. moved by the petitioner/accused to summon Ms.Firdaus, (his wife) and Deepak Jain, Handwriting and Finger Print Expert, to prove report dated 02.05.2014 was rejected.

2. I have heard the learned Additional Public Prosecutor and the learned counsel for the petitioner and have perused the record. Ms.Firdaus

is the petitioner's wife and is not a witness to the incident. For detailed cogent reasons, it was noted that her presence was not required to disprove the incident. She was a witness to the arrest of the accused which had taken place much after the incident. Nothing has been shown as to how her presence is necessary.

3. So far as Deepak Jain, Handwriting and Finger Print Expert, is concerned, in my view, one opportunity can be given to the petitioner to examine him in defence though the application to examine him has been filed after an inordinate delay. The petitioner was well aware about the report of handwriting expert who was examined as PW-14 in 2010. At no stage soon thereafter, the petitioner obtained the report of the private handwriting expert to challenge it. For that, the petitioner can be burdened with costs.

4. In the interest of justice and to enable the petitioner to examine handwriting expert Deepak Jain, one opportunity is given subject to costs of ₹20,000/-to be deposited with the Prime Minister's Relief Fund within two weeks. The witness shall be examined by the petitioner at his own responsibility and only one effective date shall be given by the trial court for that purpose.

5. The revision petition stands disposed of in the above terms.
Trial Court record (if any) be sent back with the copy of this order.

(S.P.GARG)
JUDGE

FEBRUARY 19, 2015

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