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

DECIDED ON : 6th JANUARY, 2015

+ **CRL.REV.P. 6/2015**

OM PARKASH Petitioner

Through : Mr.S.Satyanarayana, Advocate.

versus

BSES RAJDHANI POWER LTD Respondent

Through : Mr.Deepak Pathak, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.Garg, J. (Open Court)

1. Present Criminal Revision Petition has been filed by the petitioner against the order dated 25.11.2014 passed by learned Addl. Sessions Judge, Spl.Court (Electricity), Dwarka, Delhi, whereby application under Section 311 Cr.P.C. filed by the petitioner to recall PW-1 (Akbar Basha) for further cross-examination was dismissed.

2. I have heard the learned counsel for the petitioner and have examined the file. It reveals that PW-1 (Akbar Basha) was examined by the respondent on 21.09.2011. At the request of the petitioner, cross-examination was deferred. On 25.07.2013, evidence of the respondent was closed and the case was adjourned for recording statement of the petitioner hereinabove. The petitioner examined himself under Section 315 Cr.P.C. and closed his defence evidence on 27.10.2014. Apparently, the petitioner did not make

any attempt to recall this witness for more than three years after he was examined on 21.09.2011. Perusal of the file further reveals that the petitioner was cross-examined at length by the learned counsel for the petitioner. No sufficient reasons have been given by the petitioner to recall PW-1 (Akbar Basha) to put specific questions in the cross-examination to him. The learned Trial Court has given sound reasons for rejection of the application under Section 311 Cr.P.C. I find no illegality or irregularity.

3. The Criminal Revision Petition is unmerited and is dismissed in limine.

S.P.GARG, J

JANUARY 06, 2015 / tr