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

DECIDED ON : 20th DECEMBER, 2016

+ **CRL.REV.P.71/2016 & CRL.M.A.No.1522/16**

CHANDER PAL SINGH & ANR. Petitioners

Through : Petitioner No.1 in person.

VERSUS

CBI Respondent

Through : Mr.Narender Mann, SPP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

1. Present revision petition has been preferred by the petitioners to challenge the legality and correctness of an order dated 02.12.2015 of learned Special Judge CBI whereby PW-1 (Ajay Kumar Garg) was ordered to be recalled for further examination. The petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. Undisputedly, the petitioners are facing trial in case registered under Sections 420/468/471 IPC read with Section 120B IPC and Section 13(2) read with Section 13(1)(d) of PC Act. Admittedly, PW-1 (Ajay Kumar Garg) was examined finally on 16.10.2015. Subsequently,

application to recall was moved on 01.12.2015; it was allowed by the impugned order dated 02.12.2015.

3. Apparently, the application to recall PW-1 (Ajay Kumar Garg) was moved without any considerable delay. Due to inadvertence, the documents bearing signatures of the petitioners could not put to PW-1 (Ajay Kumar Garg) at the time of his examination-in-chief. Needless to say these documents are already on record and purportedly bear petitioners' signatures. The prosecution only intends to prove signatures of the petitioners on certain documents which were allegedly signed by them in the presence of this witness. It will cause no prejudice to the petitioners. It is also informed that statements of the petitioners were recorded by this witness on 24.06.1999. Impact of the statement in further examination will be seen only at the time of final disposal.

4. The impugned order based upon fair appreciation of the facts and law deserves no intervention. The revision petition lacks merits and is dismissed.

5. Trial Court record (if any) be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

DECEMBER 20, 2016 / tr