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

+ CRL.M.C. 1740/2016 and Crl. M.A. No. 7386/2016 (Stay)

SRIKANT JAIN

..... Petitioner

Represented by: Mr. K. K. Patra, Advocate.

versus

STATE REPRESENTED BY: CBI

..... Respondent

Represented by: Mr. Narender Mann, Spl. P.P
with Mr. Manoj Pant,
Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.07.2016

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Aggrieved by the order dated 8th April, 2016 whereby the learned Special Judge allowed the application of CBI under Section 311 Cr.P.C. permitting CBI to summon ten additional witnesses, the present petition has been preferred. The grievance of the petitioner is that as many as 48 witnesses have been cited by the prosecution and till date thirteen witnesses have been examined and the trial is proceeding at snail's pace though the FIR was registered in 1981 and the charge sheet was filed in 1983.

Learned counsel for CBI states that the necessity to move the present application was for the reason that since the trial dragged on, some of the witnesses have unfortunately expired. Thus some other witnesses who were initially dropped are required to be examined in addition. Further,

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inadvertently certain witnesses like the hand writing expert and the officers who took the questioned and specimen documents were not cited. They have also been mentioned in the list.

Para-17 of the reply affidavit filed before this Court explains the relevancy of each witnesses. On a perusal of para-17 the ten witnesses sought to be examined by CBI cannot be said to be irrelevant and not for a just decision. However, the grievance of the petitioner is also justified in view of the delay in trial.

Considering these facts CBI will file an affidavit as to how many witnesses are proposed to be examined in addition to these ten witnesses within two weeks so that the petitioner is well aware as to how many witnesses in all are to be examined and the learned Trial Court can expedite the trial.

Thus maintaining the impugned order dated 8th April, 2016 passed by the learned Special Court, petition and application are disposed of with the directions as aforesaid.

MUKTA GUPTA, J.

JULY 14, 2016
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