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

+ CRL.M.C. 2481/2016 & Crl.M.A. 10663/2016

OP SHARMA

..... Petitioner

Through Mr.Rajiv Khosla & Mr.Nikhil
Bhardwaj, Advs. with petitioner in
person.

versus

STATE OF HARYANA

..... Respondent

Through Mr.Arun Bhardwaj, AAG for State of
Haryana.
Mr.Amit Chadha, APP for R-2.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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22.07.2016

The present petition has been filed being aggrieved by the order dated 01.06.2016 whereby the application of the accused for examining the complainant first has been declined by the Court below.

Notice of the present petition was given to the respondents.

Learned Additional Advocate General for the State of Haryana has submitted that they have no objection if the complainant is examined first.

Learned APP for the State Mr.Amit Chadha has submitted that in the present case, examination in chief of the Investigating Officer has already been completed and his part cross-examination has also

been recorded.

The grievance of the petitioner is that the completion of the statement of the Investigating Officer would cause prejudice to the accused if the same is done without the statement of the complainant which may lead to disclosure of defence of the accused which ultimately may cause prejudice to the case of the accused.

In the facts and circumstances, this Court is of the opinion that the testimony of the complainant may be completed first and thereafter if need arises, the Investigating Officer may be further cross-examined and if there is no need, he need not be called for cross-examination.

With the above observations, the present petition and application CrI.M.A. 10663/2016 are disposed of.

P.S.TEJI, J

JULY 22, 2016

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