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

+ **CRL.M.C. 3231/2016**

SANJEET SEN

..... Petitioner

Represented by: Mr. Mahender Shukla,
Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with SI Naubat Ram, PS
Mandir Marg, New Delhi.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.09.2016

Crl.M.A. No. 13819/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3231/2016 and Crl. M.A. No. 13820/2016 (Stay)

1. Issue notice.
2. Learned APP accepts notice on behalf of the State.
3. Learned counsel for the petitioner after some arguments states that he would confine the present petition only to the extent seeking reduction in the amount of the cost imposed vide the order dated 6th April, 2016 while allowing the application under Section 311 Cr.P.C. for recalling PW-1 for cross-examination.

4. The learned Trial Court noted that after examination-in-chief of PW-1 was concluded on 7th August, 2015 the learned counsel for the petitioner and the co-accused did not cross-examine PW-1 and sought adjournment which was granted subject to cost of ₹2,000/-.
5. Learned counsel for the petitioner now states that the said cost of ₹2,000/- has been paid.
6. Learned Trial Court further noted that on 7th November, 2015 when the PW-1 was again present despite having passed over the matter three times, learned counsel for the petitioner accused was not present. Hence the right to cross-examine PW-1 was closed. The application of the petitioner and the co-accused under Section 311 Cr.P.C. was allowed, subject to each of the petitioner paying a cost of ₹10,000/- with the NDDL SA.
7. Considering the conduct of the petitioner in repeatedly seeking adjournments for cross-examination the order imposing cost cannot be said to be illegal however, in view of the fact that the petitioner is not in a position to afford the cost of ₹10,000/- the same is reduced to ₹5,000/-. Rest of the order dated 6th April, 2016 passed by the learned Trial Court would remain the same.
8. Petition and application are disposed of.
9. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 06, 2016/‘vn’