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

DECIDED ON : 20th SEPTEMBER, 2016

+ **CRL.M.C. 3465/2016**

REHMAN AFTAB ALAM Petitioner

Through : Petitioner in person.

versus

STATE (GOVT NCT OF DELHI) & ANR Respondents

Through : Mr.Panna Lal Sharma, APP with SI
Amit Verma, PS Gokalpuri.

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

S.P.GARG, J. (Oral)

CRL.M.A.No.14641/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3465/2016 & CRL.M.A.No.14640/2016 (Stay)

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 20.08.2016 of learned Addl. Sessions Judge whereby the application under Section 311 Cr.P.C. filed by him was dismissed.

2. I have heard the petitioner and have examined the file. The petitioner is facing trial in case FIR No.167/2011 registered under Sections 328/365/342/392/506/34 IPC at PS Gokal Puri. The prosecution has already completed its evidence. The petitioner has examined himself as DW-2 besides examining DW-3 (Insp.Tilak Chand Bisht).
3. The application under Section 311 Cr.P.C. was filed by the petitioner to summon SHO concerned to confront him with the information received by him under RTI Act.
4. The petitioner urged that he had obtained a reply under RTI Act on 19.08.2015 wherein it was disclosed that affidavits of Mohd. Salman and Matiurrehman were given to ASI S.P.Singh on the same day. The petitioner intends to confront the concerned SHO with the said reply as PW-4 (ASI S.P.Singh) in his examination denied to have received any such affidavits.
5. I find no illegality and irregularity in the impugned order. SHO concerned who had no concern with the RTI reply cannot be summoned merely for the purpose to confront him with it. The reply was purportedly received under RTI on 19.08.2015. PW-4 (ASI S.P.Singh) was examined before the Trial Court on 05.03.2016 and the reply so received by him was not put in the cross-examination to confront him.
6. The Trial Court has noted the petitioner's conduct to move various applications to delay the disposal of the case.
7. Considering the facts and circumstances of the case, I find no merit in the present revision petition and it is dismissed. Pending application also stands disposed of.

8. Copy of the order be sent to Court concerned for information.

S.P.GARG, J

SEPTEMBER 20, 2016 / tr

