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

+ **CRL.M.C. 4408/2016**

RAHUL CHANDOK

..... Petitioner

Represented by: Mr. Rajiv B. Samaiyar,
Advocate.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP for the
State with ASI Radhesh
Kumar, PS Model Town.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.11.2016

Crl. M.A. No. 18404/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. Aggrieved by the order dated 23rd August, 2016 dismissing the application of the petitioner under Section 311 Cr.P.C. the petitioner preferred a revision petition which was withdrawn on 29th September, 2016 as the objection as to the maintainability of the said petition was taken.

Hence the present petition.

2. The petitioner filed an application seeking recalling of PW-1 the complainant and alleged victim in FIR No. 447/2010 under Sections 325/341/34 IPC. The witness was examined and cross-examined on 25th July, 2013 and the application for recalling PW-1 was filed after three years.

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3. In the application filed under Section 311 Cr.P.C. no reason was given as to why and on what issue the petitioner seeks to further cross-examine the PW-1. Thus the learned Metropolitan Magistrate vide order dated 23rd August, 2016 held that since the counsel for the accused has not specified the aspect on which cross-examination of PW-1 was to be further done and he had cross-examined him earlier, there was no justifiable ground for summoning PW-1 for re-examination. Hence the application was dismissed.
4. Even in the present petition no reason has been given as to why the PW-1 was to be re-examined.
5. During the course of arguments learned counsel for the petitioner submits that in fact the PW-1 in his examination –in-chief stated that he was instructed to look after the traffic moment near Chaddha Bhojnalya and he needs to be cross-examined on this aspect.
6. From the suggestion given to PW-1 in the cross-examination it is apparent that the petitioner did not dispute the presence of PW-1 at the spot.
7. Considering the facts and circumstances of the case, I find no infirmity in the order dated 23rd August, 2016 passed by the learned Metropolitan Magistrate and further no reason to allow the present petition.
8. Petition is dismissed.

MUKTA GUPTA, J.

NOVEMBER 25, 2016/‘vn’

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