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

+ **CRL.M.C. 4372/2016 & CrI.M.A. 18241/2016**

**HARI SINGH**

..... Petitioner

Represented by: **Mr. Gurmeet Singh, Adv.**

versus

**PREM SINGH**

..... Respondent

Represented by: **Mr. S. Luthra, Adv.**

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**09.12.2016**

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By this petition the petitioner challenges the order dated 7<sup>th</sup> September, 2016 whereby the application of the respondent who is complainant in complaint case No. 49379/16 seeking summoning of the case file from the Court of Shri Anurag Saini, ADJ-02 (East) Karkardooma Courts in New suit No.1324/2016 titled as Prem Singh Vs. Hari Singh was allowed.

Notice was issued in this petition to the respondent on the plea taken by the petitioner that when this application came up no copy was supplied and petitioner was not afforded an opportunity of being heard. Learned counsel for the respondent/ complainant enters appearance. He has brought to the notice of this Court a fact which is recorded in the order dated 7<sup>th</sup> September, 2016 that the order directing summoning of the record for the

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next date of hearing was passed in the presence of the accused who was present in person. He also states that copy of the application was supplied to the accused which fact is refuted by learned counsel for the petitioner.

The order dated 7<sup>th</sup> September, 2016 notes the presence of the accused when the order was passed and thus the order is not in the absence of the accused. Moreover according to the complainant the record of Suit No. 1324/2016 between the parties was required to be summoned because of the original cheques and documents were lying in the civil suit No. 1324/2016 between the same parties.

Be that as it may, an accused has a right to cross-examine the witness but what statement he has to make in-chief and documents he has to exhibit is between the Court and the complainant and the accused has no right to interfere therein. I find no reason to interfere in the impugned order.

Petition and application are dismissed.

**MUKTA GUPTA, J.**

**DECEMBER 09, 2016**  
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