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

+ CRL.M.C. 1721/2017

SHRI MANZOOR HASAN

..... Petitioner

Represented by: Mr.Ashwin Vaish with Mr.
Vinod Pandey, Advs.

versus

STATE

.... Respondent

Represented by: Ms. Aashaa Tiwari, APP for
the State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.05.2017

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By the present petition the petitioner challenges the order dated 17th January, 2017 whereby opportunity of learned counsel for the petitioner to cross-examine PW-2 and PW-3 was closed and also the order dated 27th March, 2017 dismissing the application filed by the petitioner under Section 311 Cr.P.C. for summoning PW-2 and PW-3 i.e. doctor and the mother of the victim for cross-examination.

A perusal of the order sheet reveals that after the victim was examined, PW-3 was examined on 22nd October, 2016 and the matter was listed for her cross-examination on 17th January, 2017 when PW-3 was present. But a pass over was sought by learned proxy counsel on the ground that arguing counsel was busy in the High Court. The matter was passed over however still learned counsel for the petitioner could not come and no adjournment was granted by the learned Trial Court though the proxy counsel stated that he was ready to bear the costs if opportunity is granted.

Considering the fact that the petitioner should not suffer on account of fault of the advocate and the seriousness of the offence which entails minimum sentence, this Court deems it fit to grant one opportunity to the petitioner to cross-examine the witnesses on payment of costs. Consequently, learned Trial Court will summon PW-2 and PW-3 for one date fixed for cross examination of these material witnesses, subject to costs of ₹5000/- to be paid to each witness by the petitioner and no adjournment will be granted to learned counsel for the petitioner.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

MAY 11, 2017
‘v mittal’