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

DECIDED ON : 25th APRIL, 2017

+ **CRL.M.C. 3293/2016 & CRL.M.A.No.14018/16**

BALBIR SINGH & ORS. Petitioners

Through : Mr.Manish Vats, Advocate.
versus

STATE Respondent

Through : Ms.Meenakshi Dahiya, APP with SI
Krishan Gopal, PS Jaffar Pur Kalan.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioners to challenge the legality and correctness of an order dated 09.06.2016 whereby costs ₹30,000/- were imposed at the time of examination of PW-23 (Mr.S.S.Parihar). Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. It is a matter of record that in case FIR No.190/2007 registered under Sections 147/148/149/186/188/323/332/353/34 IPC at PS Jaffar Pur Kalan. PW-23 (Mr.S.S.Parihar) appeared as a witness on 09.06.2016. At the time of his cross-examination, repeated questions were asked by the learned counsel for the petitioners despite restraint by the Court. The Court was left with no alternative but to disallow the irrelevant questions put by the petitioners' counsel with costs ₹5,000/- each. In all, six questions were disallowed and costs ₹30,000/- were imposed.

3. During the course of arguments, learned counsel for the petitioners, on instructions, prayed to reduce the costs. He opted to pay ₹10,000/- in all.

4. Considering the facts and circumstances of the case and the petitioners' offer, the costs ₹30,000/- imposed are reduced or modified to ₹10,000/- to be deposited before the Trial Court within two weeks.

5. Regarding petitioners' prayer to recall PW-23 (Mr.S.S.Parihar) for further cross-examination, I find no merit in it. PW-23 (Mr.S.S.Parihar) had passed order dated 01.10.2007 (Ex.PW23/A) in case No.138/2002 and 172/2000 under Section 145 Cr.P.C. in case titled '*State vs. Om Parkash*'. He had passed corrigendum dated 12.11.2007 (Ex.PW-23/B). These orders were passed by him in the discharge of his official duties. These orders were not challenged in the appeal or revision. The witness was not expected to be cross-examined as to why and under what circumstances, the said orders were passed by him, in the present proceeding instituted against the petitioners and others subsequently when allegedly resistance was offered at the time of execution of the said orders.

6. Since PW-23 (Mr.S.S.Parihar) has already been examined his further examination is not required.

7. The present petition stands disposed of with the direction to deposit ₹10,000/- as costs before the Trial Court within two weeks. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

APRIL 25, 2017 / tr