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

+ CRL.M.C. 4712/2016 & CrI.M.A. No. 19621/2016

ANUP KUMAR SRIVASTAVA

..... Petitioner

Through: Ms. Rebecca John, Sr. Adv. with Mr.
Vishal Gosain, Rudrani Tyagi and
Nikhil Ahuja, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anupam Sharma, SPP with Ms.
Aditi Rath, Adv for CBI

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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16.03.2017

The petitioner has preferred the present petition u/s 482 Cr PC to assail the order dated 29.03.2016 and 30.03.2016 passed by the learned Special Judge, Karkardooma Courts (East), Delhi and a further direction that the petitioner/ accused no.1 be permitted to lead defence evidence by summoning defence witness, namely, Sh. S.K. Gowle.

The grievance of the petitioner is that the Trial Court fixes extremely short dates for recording of evidence of the said defence witness named by the petitioner/ accused even though he is resident of a Mumbai and could not come to the court at such a short notice.

Learned counsel for the respondent fairly does not oppose the application.

Accordingly, the petition is allowed and the impugned orders are set aside.

It is informed that the case is now fixed before the Trial Court on 20.03.2017. On the said date, the Trial Court may fix a date for recording evidence of the defence witness Sh. S.K. Gowle – such that the said witness may have atleast two weeks notice to make arrangement to travel to Delhi for recording his statement. It is, however, made clear that only one opportunity shall be granted to the petitioner.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

MARCH 16, 2017

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