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

+ **CRL.M.C. 3662/2017**

SUMIT AGGARWAL

..... Petitioner

Through :Mr. Maninder Singh, Mr. Sanjay
Chaubey and Mr. Karan Mehta, Advs.

Versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through :Mr. M.S. Oberoi, APP with SI
Bangali Babu, P.S. Mayur Vihar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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08.09.2017

Crl. M.A. No.14902/2017 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

CRL.M.C. No. 3662/2017 and Crl. M.A. No.14901/2017 (stay)

Notice. Learned APP accepts notice.

Petitioner is aggrieved by the order of the trial court whereby defence evidence has been closed. Learned counsel for the petitioner has contended that vide application dated 1st April, 2017 filed before the trial court, original complaint dated 17th January, 2007 was summoned to be produced either by

SI Dharmender Kumar or any other concerned officials, who had dealt with the records. It is submitted that necessity to file this application arose, since the concerned police official/DW2 had stepped in the witness box and had produced only the complaint register. He did not produce the original complaint dated 17th January, 2007. It was also revealed during the cross-examination by the learned APP, that the said complaint dated 17th January, 2007 was inquired upon by SI Dharmender Kumar. It is submitted that the complaint as well as outcome of the inquiry is very material for the purposes of defence of the petitioner (accused before the trial court).

Keeping in mind the aforesaid contentions, petitioner is permitted to summon SI Dharmender Kumar to produce original complaint dated 17th January, 2007 mentioned at Serial No. 51 of the complaint register, which was produced by DW2 and also to depose about the outcome of the inquiry.

Learned trial court shall fix a date for recording of the defence evidence and on petitioner taking steps, summon SI Dharmender Kumar along with the complaint. Learned counsel for the petitioner submits that petitioner will not take any adjournment. Trial court shall ensure that the witness appears in Court and deposes on the date fixed by the trial court for the said purpose.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

SEPTEMBER 08, 2017

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