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

+ CRL.M.C. 3898/2017 & Crl. M.A. no. 15761/2017

ISHWAR DASS & ANR

..... Petitioners

Through Mr. Harsh Prabhakar and Mr.
Anirudh Tanwar, Advs.

versus

STATE (NCT) OF DELHI

..... Respondent

Through Ms. Meenakshi Chauhan, APP with
SI Uday Singh, P.S. Bawana

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **17.11.2017**

Petitioner filed an application under Section 311 Cr.P.C. before the trial court for recalling PW3 Chandra Bhan for further cross-examination. This application was dismissed by the trial court vide order dated 8th August, 2017. Revision petition has also been dismissed by the learned Additional Sessions Judge. Learned counsel for the petitioner has placed on record examination-in-chief and cross-examination of PW3 Chandra Bhan. I have perused the same. Trial is still going on and two witnesses have yet to be recorded. Matter is listed before the trial court on 28th November, 2017. State has verified the availability of PW3. Cross-examination of PW3 shows

that he has virtually not been cross-examined with regard to the incident. However, admittedly, application under Section 311 Cr.P.C. was filed belatedly. Witness can also be compensated in terms of the costs for the inconvenience. In the interest of justice, PW3 is permitted to be recalled for his further cross-examination, subject to costs of ₹15,000/- to be paid by the petitioners to PW3. Only one date shall be afforded by the trial court to petitioners' counsel to cross-examine the aforesaid witness.

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

A.K. PATHAK, J.

NOVEMBER 17, 2017
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