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

+ CRL.M.C. 3838/2017

VANDANA PURI

..... Petitioner

Through Mr. Abhijat with Mr. Shanshwat
Jindal, Advocates

versus

STATE & ANR

..... Respondents

Through Ms. Meenakshi Chauhan, APP for
State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **18.09.2017**

During the course of arguments learned counsel for the petitioner has confined his prayer for recalling of only one witness, that is, the Bank Manager of Bank of India, Faridabad, Haryana.

This witness was permitted to be summoned by the learned trial court as a defence witness. It appears that the witness had appeared in the Court but his examination was deferred and he was bound down for the next date of hearing. However, the said witness did not appear on the date fixed accordingly, bailable warrants (B/Ws) were issued against him. B/Ws remained unserved on the pretext that there were several branches of the said bank in Faridabad. The petitioner submitted the complete address of the Bank, that is, Bank of India SSI Branch, Main Mathura Road, Opposite Sector 27C, Faridabad, Haryana. Thereafter, fresh BWs were issued against the said witness. However, the petitioner defaulted in filing the process fee

and consequently Defence Evidence was closed vide order dated 4th August, 2016. The petitioner filed revision against the said order, which has been dismissed by the learned Additional Sessions Judge on 31st July, 2017.

That is how petitioner is before this Court.

It is not the case that the petitioner did not take any steps for summoning the witness. Rather, the witness had appeared and he was bound down for the next date of hearing but he did not appear and for his non-appearance, BWs were issued. The BWs remained unserved. Fresh BWs were again issued and at this stage petitioner failed to take steps. In my view, in the above facts, trial court ought to have given one opportunity to petitioner to file process fee. Impugned order is set aside. The petitioner is permitted to summon the said witness i.e. the Bank Manager, Bank of India SSI Branch, Main Mathura Road, Opposite Sector 27C, Faridabad, Haryana for the date to be fixed by the learned Magistrate.

With these observations, the present petition is disposed of. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J

SEPTEMBER 18, 2017

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