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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4614/2017**

RIYAZUDDIN & ORS Petitioners
Through: Mr. Mukesh Gupta, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Amit Gupta, APP.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **10.11.2017**

On 23rd August, 2017 matter was listed before the trial court for cross-examination of PW13 ASI Kishan Pal. A request of adjournment was made on behalf of the petitioners on the ground that their counsel was down with fever. Trial court observed that matter was more than five years and sufficient opportunities were given to the petitioners to cross-examine the PW13, consequently, cross-examination was closed.

I am of the view that trial court ought to have adjourned the matter since counsel was unwell. At best, costs could have been imposed. Accordingly, impugned order is set aside and one opportunity is granted to the petitioner to cross-examine the PW13 on the date fixed, subject to cost of ₹10,000/- to be deposited with the Delhi Legal Services Authority.

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

Dasti.

A.K. PATHAK, J.

NOVEMBER 10, 2017

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