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

+ CRL.M.C. 5110/2017

PRADEEP TOMAR

..... Petitioner

Through: Mr. Haanumant Sakhuja, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Meenakshi Dahiya, APP with
Insp. Rajeev Ranjan, P.S. N.U. Pur.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.12.2017

By the impugned order, application under Section 311 Cr.P.C. of the petitioner for calling the witnesses from FSL has been dismissed. Trial court has noted that case was more than 10 years old. FSL Report Ex. PW35/O and Ex. PW35/P were exhibited in examination-in-chief of PW35 Insp. Dinesh Sharma way back in 2014. The matter was at the stage of final arguments when the application for calling the FSL witnesses by the petitioner was filed. FSL report is per se admissible under Section 293 Cr.P.C. After prosecution closed its evidence statement of petitioner under Section 313 Cr.P.C. was recorded.

Learned APP submits that petitioner was afforded opportunity to examine the witnesses in defence but the same was not availed. At the time of final arguments, application under Section 311 Cr.P.C. has been filed. In

my view, in these circumstances, trial court has rightly held that application is a delaying tool to protract the trial.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

DECEMBER 06, 2017

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