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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5167/2017**

SHITIZ METALS LIMITED THR. HIS DIRECTOR AJAY GUPTA
..... Petitioner
Through: Mr.Neeraj Gulati, Advocate (Proxy)

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Through: Mr.Panna Lal Sharma, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.12.2017**
CrI.M.A. No. 20348/2017 (Exemption)

Exemption allowed, subject to just exceptions.

CrI.M.C. No.5167/2017

Vide the present petition, the petitioner has challenged the order dated 2.11.2017 of the learned Metropolitan Magistrate-04, South, Saket Courts in CC No.620299/16 whereby the application filed by the applicant/complainant under Section 311Cr.P.C. seeking summoning of the official from the Registrar of Companies and from the Delhi High Court has been disallowed.

Placed on record the impugned order itself indicates that the matter is at the stage of pre-summoning and arguments on summoning are to be addressed.

Taking into account the said aspect and also the copy of the documents on the record Ex.CW-1/A and the deposition dated

23.5.2015 of CW-1, the authorized representative of the complainant, it is considered appropriate to allow the prayer made by the petitioner seeking summoning of the witnesses mentioned in the application filed on behalf of the complainant under Section 311 Cr.P.C. before the learned trial court inasmuch as the production of the original documents and testimonies of witnesses on oath is essential for proving the documents on the record.

In view thereof, the impugned order dated 2.11.2012 of the learned trial court in CC No.620299/16 is set aside with permission granted to the complainant, i.e, the present petitioner for summoning of the record vide application under Section 311 Cr.P.C. before the learned trial court.

A copy of this order be sent to the learned trial court.

ANU MALHOTRA, J

DECEMBER 11, 2017