

\$~9

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

Judgment dated: 17th May, 2017

+ CRL.M.C. 4486/2015

JEEVAN JENA

..... Petitioners

Through: Mr.Rahul Singh, Adv.

versus

STATE OF NCT & ANR

..... Respondents

Through: Mr.Kamal Kr. Ghei, APP for State
Mr.R.P.S.Bhatti, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

I.S.MEHTA, J (ORAL)

1. This is a petition under Section 482 Cr.P.C challenging the impugned orders dated 18.08.2015 and 17.10.2015 passed by learned Metropolitan Magistrate (NI Act)/Patiala House Courts/New Delhi in case title "Mahender Singh Rawat versus Jeevan Jena" C.C. No. 814/1 dismissing the application filed by the petitioner herein under Section 311 Cr.P.C.
2. It is submitted by learned counsel for the petitioner-accused that out of total 11 cited witnesses only three were examined by the petitioner-accused and vide impugned order dated 18.08.2015 defence evidence was closed. Thereafter, the petitioner-accused filed an application under Section 311 Cr.P.C seeking examination of 5 witnesses before the Court below which was dismissed vide impugned order dated 17.10.2015. Learned counsel for the petitioner-accused has further submitted that to meet the ends of justice, the impugned orders be set aside and the petitioner-accused be allowed to lead his additional defence evidence.
3. Learned counsel for the respondent has submitted that he has no objection

if the petition is allowed and the petitioner-accused is granted an opportunity to lead his additional defence evidence in a time frame manner.

4. Keeping in view the facts and circumstances of the case and in view of the arguments address by learned counsel for the parties, the petitioner is at liberty to examine witnesses in his defence within a period of six months and the Court below to record the statement of witnesses as early as possible as per the Court framework. Consequently, impugned orders dated 18.08.2015 and 17.10.2015 are set aside.
5. The present petition is allowed and disposed of accordingly. All pending application(s) (if any) also stand disposed of.
6. Copy of this order be given *dasti*.

MAY 17, 2017
'sr'

I.S. MEHTA
(JUDGE)