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

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Judgment delivered on: 14.03.2018

+ CRL.M.C. 739/2017 & Crl.M.A.3112/2017 (stay)

AMIT AGARWAL

..... Petitioner

versus

RELIGARE SECURITIES LTD

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Pinaki Addy, Advocate

For the Respondents : Mr. Naveen Sharma, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

14.03.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns order dated 18.01.2017 of the Revisional Court dismissing the revision petition of the petitioner and imposing costs of Rs.5,000/-.

2. Before the Revisional Court, petitioner had impugned the order dated 26.10.2016 passed by the Trial Court closing the right of the petitioner to lead defence evidence. The Trial Court had noticed that five opportunities had been given to the petitioner/accused to lead evidence however no witness had been produced.

3. The Revisional Court imposed the costs of Rs.5,000/- on the

petitioner on the premise that the petitioner had incorrectly stated the name of the witness who was sought to be summoned. The petitioner had intended to summon Kamal Gupta whereas in the petition the name of Pankaj Gupta was mentioned. Learned counsel for the petitioner submits that the same was a typographical error.

4. Learned counsel for the petitioner further submits that he had filed process fee for summoning the witness Kamal Gupta, however despite the issuance of summons there was no office report to indicate as to whether the summons were served or not.

5. Learned counsel for the petitioner further submits that he was not at all at fault and be given one opportunity to lead entire defence evidence.

6. Learned counsel for the respondents submits that sufficient ground has not been shown for grant of indulgence however with a view to expedite the proceedings, he has no objection to one opportunity being given to the petitioner to lead his entire evidence provided he is put to terms and he does not seek to summon the witness Kamal Gupta.

7. Learned counsel for the petitioner submits that one opportunity be given to the petitioner to lead his evidence and he would give up the earlier witness Kamal Gupta.

8. In view of the above, orders dated 18.01.2017 and 26.10.2017

are set aside. Subject to petitioner paying costs of Rs.15,000/- to the complainant, the Trial Court shall give one opportunity to the petitioner to lead entire defence evidence. Costs to be paid within a period of three weeks from today.

9. It is clarified that the petitioner shall not seek summoning of Kamal Gupta or Pankaj Gupta as a witness. It is informed that the matter is listed on 21.03.2018 before Trial Court. On the said date, the Trial Court shall fix one date for permitting the petitioner to lead defence evidence.

10. The petition is disposed of in above terms.

11. Trial Court record be remitted back forthwith so as to reach the Trial Court before 21.03.2018.

12. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

March 14, 2018
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