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

+ CRL.M.C. 768/2017 and CRL.M.A. no. 9386/2017

SUGAM SINGH & ORS.

..... Petitioners

Through Mr. B.P. Singh, Mr. Ankur Yadav and
Mr. Vikas Poonia, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through Mr. M.S. Oberoi, APP with SI
Narender Pal Singh, P.S. G.T.B.
Enclave

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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26.09.2018

Learned counsel for the petitioners submits that opportunity of the petitioner to cross-examine PW4 Shri Rahul Sarsawat was closed on 2nd August, 2013. However, petitioner filed an application under Section 311 Cr.P.C. on the same day, which was allowed, vide order dated 3rd August, 2013. Thereafter, PW4 Shri Rahul Sarasawat was not summoned in Court nor was tendered for cross-examination by petitioner on any date. Despite this, vide order dated 4th February, 2017 prosecution evidence has been closed on the statement made by learned APP that no other witness remains to be examined. Learned counsel further submits that this is clearly

incorrect. PW4 is yet to be produced in Court for cross-examination by the petitioner, pursuant to the order dated 3rd August, 2013. Matter is listed before the trial court on 15th October, 2018. Trial court shall verify this fact on the next date and in case PW4 Shri Rahul Sarasawat has not been produced in the witness box after 3rd August, 2013 for cross-examination by the counsel for petitioners, he be summoned for the date to be fixed by the trial court and petitioners be afforded opportunity to cross-examine the said witness.

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

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A.K. PATHAK, J.

SEPTEMBER 26, 2018

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