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

+ **CRL.M.C. 2018/2018**

MAHIMA DEWAN

..... Petitioner

Through: Mr. Maninder Singh, Mr. Ajay
Kumar Pipaniya, Mr. Rohit Arora,
Ms. Pallavi Pilaniya and Ms. Smriti
Asmita, Advs.

versus

STATE

..... Respondent

Through: Ms. Kusum Dhalla, APP for State
with Insp. Madan Mohan, P.S.
Maurya Enclave.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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28.05.2018

Crl. M.A. 7149/2018

Allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.C. 2018/2018

Petitioner filed an application for summoning Neelam Aneja w/o Late Sh. Raman Aneja and Bharat Arora S/o Govind Ram Arora in his defence. In the first application filed by the petitioner CDRs of Neelam Aneja, who has been shown as mother of Mahima Dewan, as well as Bharat Arora were summoned. Learned counsel for the petitioner submits that necessity of

summoning these witnesses arose as the nodal officer of mobile service providers was not able to give exact location of the mobile phones on the basis of CDRs. It is further submitted that these two witnesses have to be examined by the petitioner as defence witnesses. These witnesses will be produced by the petitioner of her own and will not be summoned through the process of the court. It is also submitted that these witnesses will be examined in one day itself. Prosecution examined 54 witnesses and took about five years.

Learned APP has opposed the summoning of these witnesses. It is submitted that these witnesses were not produced by the petitioner at earlier stage. In the earlier application filed by the petitioner, these witnesses were not summoned and only CDRs were summoned. Only, in order to drag the trial, petitioner preferred second application for summoning these witnesses.

Petitioner has taken a plea that she was not there in Delhi and was in Nepal at the relevant time. In my view, these witnesses are relevant for proving the defence of petitioner. Keeping in mind the totality of the facts and circumstances of this case, petitioner is permitted to produce Neelam Aneja and Bharat Arora as defence witnesses. Trial court shall fix a date for examining these two witnesses, on which date petitioner shall produce these

witnesses and examine them. No adjournment shall be asked for by the petitioner.

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

Dasti.

A.K. PATHAK, J.

MAY 28, 2018

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