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

+ CRL.M.C. 3410/2018 & Crl. M.A. no. 12363/2018

ASHOK NAGAR

..... Petitioner

Through Mr. G.S. Sharma and Mr. R.A. Sharma, Advs.

Versus

STATE (GNCT OF DELHI)

..... Respondent

Through Dr. M.P. Singh, APP with Inspector Vijay Kumar, P.S. Vivek Vihar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **11.07.2018**

Examination-in-chief of PW10 Kamru Sakib took place on 27th July, 2015. Thereafter, PW10 was cross-examined at length by the learned counsel for accused persons, which runs in more than ten pages. PW10 is a witness to the last seen evidence. He has been thoroughly cross-examined on this point. Petitioner filed an application under Section 311 Cr.P.C. for recalling this witness for the cross-examination with regard to some money transactions, which allegedly took place between the petitioner and deceased. Trial court has noted that testimony of PW10 shows that he was a witness with regard to the last seen evidence and he was thoroughly cross-examined on this point. PW10 had nowhere stated about the money

transactions in his examination-in-chief. Trial court has noted that application was filed to drag on the trial.

I have perused examination-in-chief and cross-examination of PW10 and find that he was thoroughly cross-examined. In my view also, application to recall the witness appears to have been filed only to drag on the trial. Witness is, otherwise, not related to the money transactions. Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

JULY 11, 2018
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