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

+ CRL.REV.P. 857/2018, CRL MA 33428-29/2018

SURESH CHANDRA

..... Petitioner

Through Mr. Mohit Mathur, Sr. Adv with
Mr. Rajinder Pal Singh, Mr. Mahipal
and Mr. Abhas Mishra, Advs

versus

STATE

..... Respondent

Through Dr. M.P. Singh, APP for State
SI Ashok Kumar, PS Anticorruption
Branch

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **16.10.2018**

It is not in dispute that earlier charges under section 13(1)(d) Prevention of Corruption Act read with Section 120B IPC were framed against the petitioner along with co-accused in respect of village Kanjhawla and no charges were framed against the petitioner in respect of village Pooth Khurd. It is submitted that when the matter was at the stage of final arguments, learned APP moved an application under section 216 Cr.P.C. for framing of charge against the petitioner in respect of village Pooth Khurd as well. It was contended that no charges were framed against the petitioner along with co-accused in respect of village Pooth Khurd due to typographical error. The application was allowed vide order dated 10th September, 2018 and

charges were framed against the petitioner in respect of village Pooth Khurd as well.

Grievance of the petitioner is that Trial Court has not recalled the witnesses, that is, PWs-13, 14, 15, 18, 20, 22, 31, 32, 33, 37, 38, 47, 61, 70 and 71 relating to village Pooth Khurd for their further cross examination after framing the Additional Charge against the petitioner in respect of village Pooth Khurd. These witnesses were not cross examined by the petitioner since no charge was earlier framed against the petitioner in respect of village Pooth Khurd.

After the amended charge has been framed in respect of village Pooth Khurd against the petitioner, I am of the view that petitioner is entitled to cross examine the said witnesses and they are required to be recalled for cross examination by the petitioner. Accordingly, present petition is allowed. Trial Court is directed to recall the aforesaid witnesses and permit the petitioner to cross examine them.

Petition is disposed of in above terms. Miscellaneous applications are disposed of as infructuous. *Dasti.*

A.K. PATHAK, J

OCTOBER 16, 2018

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