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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2443/2018, CrI. M.A. 34407/2018**
SANJAY MUNIYAN

..... Petitioner

Through: Mr. Ranjan Mukherjee, Adv. with Mr. S.
Bhoowick, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Gupta, APP for State with SI
Avdhesh Dixit, P.S. Saket.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **15.10.2018**

CrI. M.A. 34407/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed off.

BAIL APPLN. 2443/2018

At the outset, the learned counsel for the petitioner states that he does not press the petition for bail at this stage.

It is his grievance that despite this Court's order dated 19.06.2017 whereby it was expected by the prosecution that it would ensure that the prosecutrix is examined at the earliest and the Trial Court was requested not to give any adjournments which might result in delay of recording of statement of the prosecutrix.

It is stated that prosecution's evidence has not been completed despite

a lapse of 19 months. The learned counsel for the petitioner submits that the petitioner's rights are being irreparably prejudiced as he is in continued custody since 04.03.2017. The prosecutrix has been examined. However, the police witnesses have sought unnecessary adjournments. The IO of the case had sent request for his exemption on 04.05.2018 on the ground that she had to appear before the High Court on the said date. The case was thereafter listed on 17.09.2018, 18.09.2018 and 19.09.2018. However, on 17.09.2018, the learned Presiding Officer was on leave. He further submits that there is nothing on record to show that the IO had indeed to appear before the High Court in some case. Let a proof of this effect be filed before the Trial Court by the IO.

In view of the above, the Trial Court is requested to endeavour to complete the recording of evidence by 15.12.2018. The learned counsel for the State submits that the State will ensure that the IO and other public witnesses, as may be, are present before the Court on 03.12.2018, as scheduled.

The petition is disposed off in the above terms.

OCTOBER 15, 2018/acm

NAJMI WAZIRI, J