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

+ CRL.M.C. 3942/2017 & CrI.M.A.15907/2017 (stay)

ASHOK KUMAR SHARMA Petitioner
Through Mr.Lovenish Mendiratta, Adv.

versus

SMT POONAM SHARMA Respondent
Through Ms.Manika Tripathy, Adv. with
Mr.Ashutosh Kaushik & Ms.Raveena
Tandon, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **24.07.2018**

Learned counsel for respondent, on instructions, submits that respondent has no objection in case petitioner is afforded one opportunity to lead evidence subject to terms.

Learned counsel for petitioner submits that petitioner will examine himself in his defence evidence. No other witness is to be examined. It is further submitted that petitioner's affidavit is already on record.

Petitioner's evidence was closed by the Trial Court as he did not lead evidence despite opportunities granted to him. Petitioner filed an application under section 311 Cr.P.C. before the Trial Court which was dismissed. Appeal filed by the petitioner before the Appellate Court has

also been dismissed.

That is how petitioner is before this Court. Petitioner has assailed the order of Appellate Court. With the consent of respondent, petitioner is afforded one opportunity to lead evidence in his defence, subject to however costs of ₹10,000/- to be paid by him to respondent. It is made clear that only one opportunity will be granted.

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

A.K. PATHAK, J

JULY 24, 2018
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