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

+ **CRL.M.C. 5865/2018 & CRL.M.A. 47734/2018**

MANOJ KUMAR & ORS. Petitioners

Through: Mr. M.N. Dudeja, Mr. Anuj
Chauhan and Mr. Neeraj
Bhardwaj, Advs.

versus

STATE Respondent

Through: Mr. Kamal Kumar Ghei, APP
with SI Sanjay Kumar, PS
Harsh Vihar

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **28.11.2018**

CRL.M.C. 5865/2018 & CRL.M.A. 47734/2018 (for stay)

1. Issue notice.
2. Learned APP accepts notice on behalf of the State.
3. Learned APP submitted that just to cut short the delay in the matter, the petition may be allowed to cross-examine PW-2 subject to heavy costs.
4. I have gone through the petition.
5. In view of the grounds mentioned in the petition as well as the submissions of the learned APP, the petition is allowed.
6. The order dated 19.5.2018 in FIR No. 97/2009 Police Station Harsh Vihar by learned Metropolitan Magistrate, Karkardooma Courts, Delhi is set aside. The prayer of the petitioner to recall the

PW-2 HC Manoj for the purpose of cross-examination is allowed, subject to deposit of Rs.2,500/- by the petitioners with the Delhi Police Martyr's Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820. The said amount shall be deposited within one week and the copy of the receipt of the said deposit be submitted before the Court of learned Metropolitan Magistrate and one copy of the receipt shall also be given to the learned APP for the State within two weeks.

7. It is clarified that the petitioners shall cross-examine PW-2 HC Manoj on the next date of hearing which is stated to be 23.2.2019 and in case, he fails to do so, no further opportunity under any circumstances shall be granted to him to cross-examine PW-2 HC Manoj.

8. The present petition as well as CRL.M.A. 47734/2018 is disposed of in the above terms.

CHANDER SHEKHAR, J

NOVEMBER 28, 2018/rk