

\$~64

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

+ CRL.M.C. 4453/2017 & Crl.M.A. No. 178382017

VIKAS MEHRA

..... Petitioner

Through: Mr. Arpit Kumar Singh & Mr. Sumeet
Kaul, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for the State
Mr. Ajay Malviya, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **03.04.2018**

Pursuant to the proceedings dated 2.4.2018, it has now been submitted on behalf of the petitioner that compliance of the direction vide the order dated 2.4.2018 and direction dated 28.1.2017 of the trial court and directions dated 23.8.2017 of the Court of ASJ, a sum of Rs.62,500/- has been deposited by way of RTGS transfer in the account of respondent the No.2 which is also so affirmed on behalf of the respondent No.2.

Vide the present petition the petitioner has assailed the impugned order dated 23.8.2017 of the learned ASJ-03, Patiala House Courts which upheld the order dated 13.7.2017 of the Ld. M.M. in CC No.21709/16 which complaint was on behalf of the complainant that is the respondent No.2 to the present petition, vide which the opportunity to conduct the cross-examination of the complainant by

the accused was declined on 13.7.2017, in view of the observations therein to the effect that there were repeated dilatory tactics utilized by the accused that is the present petitioner.

During the course of submissions that have now been made on behalf of the either side in view of the compliance of the directions dated 2.4.2018 of this Court and compliance of the directions dated 28.1.2017 and of the 23.8.2017 of the Court of ASJ-03, Special Judge-03 (PC Act) (CBI), Patiala House Courts, New Delhi, it has been submitted on behalf of the respondent No.2 that there is no opposition to the prayer made by the petitioner seeking one opportunity of conducting the cross-examination of the complainant on 4.4.2018, the date fixed before the trial court.

In view thereof, the impugned order dated 23.8.2017 passed in C.R. No. 52/1 by Ld. ASJ-03, Patiala House Courts, New Delhi and the order dated 13.7.2018 of the Ld. M.M. (N.I. Act), Patiala House Courts, New Delhi passed in CC No.21709/16 closing the right of the accused of cross-examination of the complainant are set aside, subject to the direction that the petitioner herein i.e. accused shall conclude the cross-examination of the complainant on 4.4.2018.

Copy of this order be sent to the Ld. trial court with the TCR through Special Messenger.

Copy of the order be given dasti under the signatures of the Court Master.

ANU MALHOTRA, J

APRIL 03, 2018/Nk