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

+ CRL.M.C. 6239/2018 and Crl. M.A. nos. 49223-24/2018

DILIP KUMAR SHARMA Petitioner
Through Mr. Pankaj Mendiratta, Adv.

Versus

BALDEV RAJ ARORA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
10.12.2018

Opportunity of petitioner to cross-examine CW Kulbhushan Awasthi was closed by the learned Metropolitan Magistrate, Delhi. Petitioner filed a Revision Petition, which was allowed. Petitioner was granted one opportunity to cross-examine CW Kulbhushan Awasthi. He was partly cross-examined. Further cross-examination was deferred. Thereafter, CW Kulbhushan Awasthi was not cross-examined by the petitioner. Accordingly, petitioner's opportunity to cross-examine CW Kulbhushan Awasthi was closed vide order dated 21st March, 2018. Petitioner filed an application under Section 311 Cr.P.C., which has been dismissed vide order

dated 3rd August, 2018. However, petitioner was granted opportunity to lead defence evidence. Petitioner even did not lead any defence evidence and statement of the petitioner under Section 313 Cr.P.C. has already been recorded. Matter is now listed for final arguments on 17th December, 2018.

At this stage, present petition has been filed for recalling of CW Kulbhushan Awasthi. Trial court has held that despite affording opportunities to the petitioner for cross-examination of CW Kulbhushan Awasthi, he was not even completely cross-examined. Matter is seven years old. Petitioner is only interested to linger on the disposal of the case. I do not find any perversity in the impugned order resulting in miscarriage of justice to the petitioner. Sufficient opportunities were granted to the petitioner, which were not availed.

Petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

DECEMBER 10, 2018
r.bararia