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

+ CRL.M.C. 6196/2018 & CRL.M.A. 49033/2018

KEDAR NATH SHARMA Petitioner

Through: Mr. Mukesh Gupta, Mr.
Abhishek Sharma and Mr.
Sanjay Beniwal, Advs.

versus

MANOJ KUMAR SHARMA Respondent

Through: Mr. Rajeev Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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17.12.2018

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 read with Article 227 of the Constitution of India for calling of Trial Court Record pertaining to CC No.532443/2016 titled as “Manoj Kumar Sharma v. Kedar Nath Sharma” pending before Metropolitan Magistrate, Tis Hazari Courts, and setting aside the order dated 30.11.2018 passed by the Additional Sessions Judge, Tis Hazari Courts, Delhi in Crl. Rev. No.832/2018 titled as “Kedar Nath Sharma v. Manoj Kumar Sharma” and consequentially set aside the order dated 12.11.2018 passed by the Metropolitan Magistrate, Tis Hazari Courts, Delhi thereby allowing the petitioner to lead his defence evidence.

2. Learned counsel for the respondent, after some arguments, submitted that just to cut short delay in the matter, the petitioner may

be given one opportunity to lead the defence evidence subject to heavy costs.

3. In view of the above submissions as well as in the interest of justice the order dated 12.11.2018 passed by the Metropolitan Magistrate and the order dated 30.11.2018 passed by the Appellate Court are set aside and the petitioner is given one opportunity to lead his entire defence evidence subject to cost of Rs.10,000/- to be paid by him to the respondent.

4. Learned counsel for the petitioner submitted that the next date of hearing before the Trial Court is 24.12.2018 and the list of all the relevant witnesses on behalf of petitioner is on record and the petitioner may be given one week's time to summon the witnesses.

5. The parties are directed to appear before the learned Metropolitan Magistrate on 24.12.2018 when a date would be given for the evidence of the petitioner and thereafter, the petitioner shall take steps within 7 working days to summon all his witnesses on its own responsibility.

6. It is clarified that the petitioner shall not seek any adjournment under any circumstances. In case, the petitioner does not take proper steps for the summoning of witnesses or seeks adjournment or fails to lead his evidence, the defence evidence of the petitioner shall be closed by the Court concerned without, giving any further opportunity.

7. Petition is disposed of in above terms. CRL.M.A. 49033/2018 also stands disposed of.

CHANDER SHEKHAR, J

DECEMBER 17, 2018/rk