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

+ CRL.M.C. 332/2019 and Crl. M.A. no. 1433/2019

KAILASH CHAND GUPTA Petitioner
Through Mr. Aditya Gaur, Adv.

versus

THE STATE (GOVT OF NCT DELHI) Respondent
Through Ms. Manjeet Arya, APP

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.01.2019**

By this petition under Section 482 Cr.P.C., petitioner has assailed the order dated 10th November, 2017 passed by the learned Metropolitan Magistrate, Delhi whereby application under Section 311 Cr.P.C. of the petitioner for recalling PW4 Dev Kalra for cross-examination has been dismissed. I have perused the impugned order and do not find any perversity therein. It appears that PW4 was not cross-examined by the petitioner's counsel despite several opportunities granted to the petitioner. Opportunity of petitioner to cross-examine PW4 Dev Kalra was closed, vide order dated 7th January, 2015. An application under Section 311 Cr.P.C. was filed, which was allowed by the trial court, subject to payment of cost of Rs.5,000/- and PW4 Dev Kalra was recalled in the witness box. This

opportunity was again not availed, inasmuch as even cost was not paid. Accordingly, opportunity of petitioner to cross-examine PW4 was again closed.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

JANUARY 22, 2019
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