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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3479/2019**
MUKESH

..... Petitioner

Through:- Mr. Jitender Tyagi and Mr. Gaurav
Bidhuri, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through:- Ms. Kamna Vohra, ASC for State
along with Insp. Vijay Pal Dahiya,
SHO, & ASI Tulli Ram, PS Badarpur.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

% **ORDER**
12.12.2019

1. Vide this order I shall dispose of the petition filed by petitioner under Article 226 of the constitution of India r/w. Section 482 CrPC.
2. Ld. Counsel for the petitioner prayed for direction to the Ld. Trial Court that application moved by him under Section 311 CrPC be decided first and judgment be passed later on. However, Ld. Counsel for the petitioner has not placed on record the order of Ld. Trial Court dated 02.12.2019 which reflects that Ld. Trial Court is deciding the application u/s. 311 CrPC as well as passing final judgment on the same date.
3. Ld. ASC for the state has read out the order dated 02.12.2019 which reflects that Ld. ASJ, Saket Courts, New Delhi has observed the application u/s. 311 CrPC will be considered and order will be passed on the same on 09.12.2019.
4. Ld. ASC for the State further submits that petitioner is not appearing before the Ld. Trial Court for last three dates and NBWs have been issued against

him.

5. Ld. Counsel for the petitioner submits that he will move appropriate application before the Ld. Trial Court for cancellation of NBWs which will be decided as per law.

6. Perusal of the order dated 02.12.2019 clearly reflects that Ld. Trial Court has observed that the application u/s. 311 CrPC will be considered and order will be passed on the same and it has nowhere observed that judgment will also be passed on the same day. In these circumstances, no grounds are made out for issuance of any direction to the Ld. Trial Court. However, it is expected from the Ld. Trial Court to decide the application u/s. 311 CrPC first and thereafter to pass the final judgment. The petition is disposed of accordingly. Copy of the order be given dasti to both the parties, as prayed.

BRIJESH SETHI, J

DECEMBER 12, 2019

Amit