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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 139/2019 & CRL.M.A. 632/2019

ASHWANI PRASAD

..... Petitioner

Through: Mr. P.P. Singh Rana, Advocate

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghai, APP

WITH

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CRL.M.C. 144/2019 & CRL.M.A. 647/2019

ASHWANI PRASAD

..... Petitioner

Through: Mr. P.P. Singh Rana, Advocate

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghai, APP

WITH

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CRL.M.C. 145/2019 & CRL.M.A. 649/2019

ASHWANI PRASAD

..... Petitioner

Through: Mr. P.P. Singh Rana, Advocate

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghai, APP

WITH

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CRL.M.C. 146/2019 & CRL.M.A. 651/2019

ASHWANI PRASAD

..... Petitioner

Through: Mr. P.P. Singh Rana, Advocate

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the physical file and no page is missing.

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versus

STATE NCT OF DELHI & ANR Respondents
Through: Mr. Kamal Kumar Ghai, APP

WITH

+ CRL.M.C. 147/2019 & CRL.M.A. 653/2019
ASHWANI PRASAD Petitioner
Through: Mr. P.P. Singh Rana, Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Kamal Kumar Ghai, APP

WITH

+ CRL.M.C. 148/2019 & CRL.M.A. 655/2019
ASHWANI PRASAD Petitioner
Through: Mr. P.P. Singh Rana, Advocate

versus

STATE NCT OF DELHI & ANR Respondents
Through: Mr. Kamal Kumar Ghai, APP

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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28.01.2019

1. Learned counsel for the petitioner submitted that the petitioner shall produce both the witnesses, namely R.P. Aggarwal and Ashok Arya, in the Court on his own responsibility, to lead his defence evidence.

2. Copy of order dated 02.06.2018 is placed on record.
3. Respondent no. 2 stands served, however, none has appeared on its behalf.
4. Learned APP for the State submitted that just to cut short the delay and in the interest of justice, the petitioner may be given one opportunity to lead the defence evidence, subject to heavy cost.
5. I have gone through the material on record and in view of the submissions made, I deem it appropriate to set aside the order dated 16.11.2018 and give one opportunity to the petitioner to produce the witnesses on his own responsibility on the date fixed by the Trial Court, subject to cost of Rs. 5,000/- in each matter, which shall be deposited with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within a week and a receipt, thereof, shall be filed in the Registry of this Court within two weeks. Copy of receipt of the same shall be supplied to the learned APP through the Investigating Officer within two weeks. In case the petitioner fails to deposit the aforesaid amount, the prosecution shall be entitled to move an application for passing appropriate orders.
6. It is clarified that the parties shall appear on the date fixed by the Trial Court, when the Trial Court shall fix a short date for the purpose of defence evidence, on which date the petitioner shall produce both the witnesses on his own responsibility. If the petitioner fails to produce the witnesses,

then the Trial Court shall close the defence evidence of the petitioner. It is directed that no adjournment shall be granted on any ground whatsoever to the petitioner.

7. The petitions are accordingly disposed of. All the pending applications are also disposed of.


CHANDER SHEKHAR, J

JANUARY 28, 2019

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