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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 440/2019**

RAKESH KUMAR JAIN Petitioner
Through: Mr. B.K. Saini and Mr. Harsh Tikoo,
Advs.

Versus

CBI Respondent
Through: Ms. Mridhul Jain, SPP.

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

ORDER
% **28.01.2019**

PW-33 Mr. D. Venkateswaralu, Assistant Director, FSL, Hyderabad was examined on 09.08.2010. He was even cross examined by the petitioner's counsel at length. After about two and a half years petitioner filed an application under Section 311 Cr.P.C. to recall this witness after petitioner changed his counsel. Trial court has dismissed the said application vide order dated 18.01.2019, which has been impugned in this petition. It was noted by the trial court that the witness could not have been recalled for re-examination only on the ground that after examination of the said witness the accused had changed his counsel. I do not find any perversity in the impugned order.

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

A.K. PATHAK, J.

JANUARY 28, 2019

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