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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 416/2019 & CRL.M.A. 1813/2019

SUMIT CHABLANI

..... Petitioner

Through: Mr. Abhishek Kumar Pandey,
Advocate

versus

THE STATE OF NCT DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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04.02.2019

1. Status report has been filed.
2. Learned counsel for the petitioner submitted that, in the interest of justice, the cross-examination of PW-1, Gagan Singh, the material witness, may be allowed, failing which the defence of the petitioner shall be adversely affected.
3. Learned counsel for the petitioner further submitted that now the matter is fixed for final arguments on 5.2.2019 and the petitioner is ready to bear the expenses and also willing to give an undertaking that he shall cross-examine the PW-1 on the date, the PW-1 appears before the Trial Court and shall not seek any adjournment, in case one opportunity is granted to him. Learned counsel for the petitioner also submitted that the petitioner is ready to bear the costs of Rs.40,000/- in case cross-examination of PW-1 is allowed.

4. In view of the aforesaid facts and taking into consideration the cause submitted in the application under Section 311 of the Code of Criminal Procedure, 1973 for recalling PW-1 for his cross-examination and in the interest of justice, so that the defence of the petitioner is not adversely affected by the non cross-examination of PW-1, this Court deems it appropriate to set aside the impugned orders dated 17.12.2018 and 4.1.2019 and allow the cross-examination of PW-1, subject to costs of Rs.40,000/-, out of which Rs.20,000/- shall be paid to PW-1, Rs.10,000/-shall be deposited in the Delhi High Court Advocates' Welfare Trust and Rs.10,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and the receipts of the deposit be filed in the Registry within three weeks. Copy of the receipts shall also be handed over to the APP through the I.O within three weeks. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

5. The Trial Court shall fix a date for the purpose of cross-examination of PW-1 by the petitioner and no adjournment on any ground shall be granted to the petitioner on such a date.

6. The petition is disposed of. Pending application also stands disposed of. *Dasti*.

CHANDER SHEKHAR, J

FEBRUARY 04, 2019/ tp