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

+ CRL.M.C. 455/2019 & CrI.M.A.1979/2019

MOHD. AKIF

..... Petitioner

Through

Mr. A.N.Sharma and Mohd.
Zubair, Advs.

versus

MOHD. DILSHAD

..... Respondent

Through

Mr.Ravi Ranjan and
Mr.Mahesh Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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12.12.2019

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for setting aside the order dated 24.12.2018 passed by the Additional Sessions Judge-03 (North-East), Karkardooma Courts, Delhi in Criminal Revision No.76/2018 and order dated 29.9.2018 passed by Metropolitan Magistrate (North-East), Karkardooma Court, Delhi in C.C. No.181/2016 (Old No.12271/2011).

2. Learned counsel for the petitioner submitted that in the interest of justice, the petitioner may be given only one more opportunity to examine three witnesses in his defence. Learned counsel for the petitioner also submitted that the petitioner shall examine all the three witnesses on the next date of hearing and he shall conclude the examination of all the three witnesses on the same day. It has also

been submitted by the learned counsel for the petitioner that in case either the said three witnesses are not produced before the Trial Court on the next date of hearing or the evidence of the said witnesses is not recorded before the Trial Court, the Trial Court may close the defence evidence.

3. Learned counsel for the respondent though initially opposed the prayer of the learned counsel for the petitioner but after some arguments submitted that just to cut short the delay and expedite the proceedings as well as in the interest of justice, he has no objection in case the petitioner is granted one opportunity to lead the defence evidence and examine the three witnesses as undertaken by the learned counsel for the petitioner before the Trial Court subject to heavy costs.

4. Learned counsel for the petitioner further submitted that the petitioner is willing and ready to pay a sum of Rs.20,000/- as costs in case the orders dated 24.12.2018 and 29.9.2018 are set aside and the petitioner is granted one last opportunity to lead defence evidence and examine three witnesses as stated and undertaken hereinabove.

5. In view of the no objection of the learned counsel for the respondent as well as in the interest of justice, the orders dated 24.12.2018 and 29.9.2018 are set aside subject to the costs of Rs.20,000/- as agreed by the petitioner to be paid to the respondent before the Trial Court and the petitioner is allowed to examine the three witnesses in his defence before the Trial Court on 7.1.2020, i.e. the next date of hearing.

6. It is clarified that the petitioner shall examine all the three

witnesses on the next date of hearing itself and he shall conclude the examination of all the three witnesses on the same day and in case either the said three witnesses are not produced before the Trial Court on the next date of hearing or the evidence of the said witnesses is not recorded before the Trial Court, no further opportunity shall be granted to the petitioner for leading defence evidence and examining the three witnesses on any ground whatsoever and the Trial Court may close the defence evidence.

7. The petition is disposed of. Pending application is also disposed of.

CHANDER SHEKHAR, J

DECEMBER 12, 2019/rk