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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 702/2019 & CRL.M.A. 2877/2019**
ASHOK GOEL Petitioner

Through: Mr. N.K. Handa, Advocate

versus

STATE & ORS. Respondents

Through: Mr. Kamal Kumar Ghai, APP
Mr. Nishit Khush & Ms. Asma,
Advocates for respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **12.02.2019**

1. The petitioner has filed the petition under Section 482 of the Code of Criminal Procedure, 1973, impugning the order dated 3.12.2018 passed by the learned Metropolitan Magistrate, Tis Hazari Courts, Delhi and the order dated 21.12.2018 passed by the Special Judge (PC Act), Tis Hazari Courts, Delhi. A prayer has been made to set aside the said impugned orders.

2. Learned counsel for the petitioner submitted that due to the death of his wife, he could not take proper steps in the matter before the Trial Court, hence, a lenient view may be taken. Learned counsel for the petitioner further submitted that he shall produce all the five witnesses on his own responsibility before the Trial Court and for that purpose, he may be given only one opportunity to examine all the five witnesses and he

shall not seek any adjournment. In case, the Trial Court is not able to record the evidence of all the five witnesses on the same day, it would be the discretion of the Trial Court to give a date. Learned counsel for the petitioner further submitted that he is ready to bear the costs.

3. Learned counsel for the respondent No.2, after some arguments, submitted that in view of the death of the wife of learned counsel for the petitioner and just to cut short the delay, the petition may be allowed, subject to heavy costs.

4. In view of the submissions of the learned counsel for the parties, the order dated 3.12.2018 and 21.12.2018 respectively, passed by the learned Metropolitan Magistrate and by the Special Judge (PC Act) are set aside, subject to costs of Rs.50,000/-. The petitioner shall pay the costs to the respondent No.2 in the Court of the learned Metropolitan Magistrate on the next date.

5. The petitioner is given one opportunity to lead his entire evidence before the Trial Court on one date, which would be fixed by the Trial Court for this purpose. It would be the responsibility of the petitioner to summon and produce all the five witnesses in the Trial Court and the Trial Court may record the evidence of all the five witnesses on the same date. No adjournment for any reason whatsoever for this purpose would be granted to the petitioner.

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

Dasti.

CHANDER SHEKHAR, J

FEBRUARY 12, 2019

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