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

+ CRL.M.C. 823/2019 & CRL.M.As. 3297-3298/2019
PREM NARAIN SHARMA Petitioner

Through: Mr. Yogesh Verma and
Mr.Bhautosh Sharma, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION....Respondent

Through: Mr. Anupam S. Sharma, SPP
with Mr.Prakash Airan and
Ms.Apoorva Ahuja, Advs.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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13.02.2019

CRL.M.A. 3298/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C. 823/2019 & CRL.M.A. 3297/2019 (for stay)

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for quashing of the impugned order dated 2.2.2019 passed by the learned Special Judge (PC Act), CBI-3 (North-West), Rohini Courts, Delhi whereby the application of the applicant for calling four witnesses for the purpose of their cross-examination has been rejected.
2. Issue notice.
3. Learned Special Public Prosecutor for the respondent accepts

notice.

4. Learned counsel for the petitioner submitted that he may be given an opportunity to cross-examine three prosecution witnesses, i.e. PW-50 R.D. Pandey, PW-56 T. Joshi and PW-66, Investigating Officer (IO), Ashok Sharma.

5. Learned counsel for the respondent, on instructions, submitted that though there is no cause for allowing the petition or to give an opportunity for the cross-examination of the aforesaid witnesses, however, in the interest of justice and just to cut short delay, the petition may be allowed subject to heavy costs and fixing a time-limit to cross-examine the said witnesses.

6. Learned counsel for the petitioner submitted that the petitioner is ready to pay a cost of Rs.40,000/- to the respondent if PW-50, PW-56 and PW-66 are allowed to be cross-examined and further submitted that the petitioner shall not take more than 60 minutes to cross-examine PW-66 and not more than 45 minutes each to cross-examine PW-50 and PW-56.

7. Accordingly, the impugned order dated 2.2.2019 is set aside subject to the cost of Rs.40,000/- to be paid by the petitioner to the respondent. The petitioner is allowed to cross-examine the aforesaid witnesses. Statement of learned counsel for the petitioner is taken on record that he shall not take more than 60 minutes to cross-examine PW-66, IO and not more than 45 minutes each for the cross-examination of PW-50 and PW-56.

8. It is clarified that no further adjournment shall be granted by the Trial Court, for any reason whatsoever, for the purpose of cross-

examining the aforesaid witnesses. In case any adjournment is sought for the said purpose, the opportunity to cross-examine the aforesaid witnesses shall be closed by the Trial Court.

9. Learned counsel for the petitioner submitted that the matter is fixed for arguments on 15.2.2019 before the Trial Court. It is directed that the Trial Court shall fix a date for the cross-examination of the aforesaid witnesses on 15.2.2019.

10. The petition is disposed of in the above terms. Pending application is also disposed of.

Order be given *dasti* under signature of Court Master.

CHANDER SHEKHAR, J

FEBRUARY 13, 2019/rk