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

+ **CRL.M.C. 838/2019 & CRL.M.A.3370/2019**

ANWARUL HAQUE Petitioner

Through: Mr. Anubhav Bhasin, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Kamal Kumar Ghei, APP
with SI Rakesh Kumar, PS
Amar Colony, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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19.03.2019

CRL.M.C. 838/2019 & CRL.M.A.3370/2019 (for stay)

1. Learned APP for the State, though opposed the petition, submitted that, in the interest of justice, one more opportunity may be granted to the petitioner to cross-examine PW-2, Shama Parveen and PW-3, Insp. Ram Niwas, subject to heavy costs and the orders dated 29.10.2018, 7.9.2018 and 23.11.2015 may be set aside.

2. Learned counsel for the petitioner submitted that the petitioner is ready and willing to pay costs, in case one more opportunity is granted to cross-examine PW-2 and PW-3 and he shall conclude the cross-examination of these witnesses on the same day. It is also submitted by the learned counsel for the petitioner that the case is now fixed before the Trial Court on 4.4.2019.

3. Accordingly, in view of the cause submitted as well as the submissions and in the interest of justice, the orders dated 29.10.2018, 7.9.2018 and 23.11.2015 are set aside, subject to costs of Rs.30,000/- upon the petitioner, out of which Rs.10,000/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.10,000/- in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.10,000/- in the Delhi High Court Advocates' Welfare Trust. The receipts of the deposits 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. It is clarified that PW-2 and PW-3 shall remain present on 4.4.2019 before the Trial Court, when their cross-examination shall be conducted by the petitioner. It is clarified that the cross-examination will be concluded on the same date, i.e., 4.4.2019 itself and no further adjournment whatsoever shall be granted, under any circumstances to the petitioner for further cross-examination of PW-2 and PW-3.

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

Dasti.

CHANDER SHEKHAR, J

MARCH 19, 2019/rk