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

+ CRL.M.C. 1458/2019 & CRL.M.A.5799/2019

M/S. HELLO MINERALS WATER & ANR Petitioners

Through Mr. Akshay Malik and Mr. Ansh
Kukreja, Advocates.

versus

STATE & ANR. Respondent

Through Mr. Raghuvindra Singh, APP
Appearance not given for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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29.07.2019

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for setting aside/quashing of the order dated 19.2.2019 passed by the Metropolitan Magistrate in Complaint Case No.36148/2016 whereby the Metropolitan Magistrate disallowed the application of the petitioners under Section 311 of the Cr.P.C. for recalling of the witness CW-1 Mr. Yogesh Mittal for cross-examination.

2. Learned counsel for the petitioners submitted that the petitioners are willing to pay any cost whatever this Court may deem fit and proper. Learned counsel for the petitioners also undertakes before this Court that in case the petitioners are given one opportunity to cross-examine CW-1 on the next date of hearing, the petitioners shall not seek any adjournment for the cross-

examination of CW-1, on any ground, whatsoever.

3. Learned counsel for the respondent No.2, after some arguments, submitted that just to cut short the delay and expedite the proceedings in the matter before the Trial Court, he has no objection if the application of the petitioners for recalling the witness CW-1 for cross-examination is allowed, subject to heavy costs.

4. In view of the aforesaid submissions as well as the no objection of the learned counsel for the respondent No.2, the impugned order dated 19.02.2019 is set aside, subject to costs of Rs.30,000/- upon the petitioners. It is clarified that only one opportunity is given to the petitioners to cross-examine the witness CW-1 on 02.08.2019, i.e. the date already fixed before the Trial Court and no further adjournment shall be sought by the petitioners for the purpose of cross-examination of the said witness. In case any adjournment is sought by the petitioners for the said purpose, the right of the petitioners to cross-examine the said witness shall stand closed.

5. CW-1, Mr.Yogesh Mittal shall remain present before the Trial Court for his cross-examination on 2.8.2019.

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

CHANDER SHEKHAR, J

JULY 29, 2019

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