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

+ **CRL.REV.P. 562/2019 & CrI.M.A. 10103/2019**

SH. ARVIND GUPTA Petitioner

Through: Mr. Ajay Kumar, Advocate

Versus

STATE Respondent

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State

+ **CRL.REV.P. 564/2019 & CrI.M.A. 10126/2019**

SH. ARVIND GUPTA & ANR. Petitioner

Through: Mr. Ajay Kumar, Advocate

Versus

STATE Respondent

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

10.05.2019

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Vide impugned order of 12th April, 2019, PW-1 in FIR No. 15/1991 and PW-1 and PW-6 in FIR No. 427/1990, have been recalled for further examination.

Notice.

Mr. M.S.Oberoi, Additional Public Prosecutor for respondent-

State, accepts notice of these petitions.

With the consent of both the sides, these two petitions have been heard together and are being disposed of by this common order.

Petitioners' counsel submits that the case is now at the stage of final arguments and is an old case pertaining to the year 1991 and the main accused has already died and recalling of these witnesses at the final stage is to the detriment of petitioners. So, quashing of impugned order is sought in these petitions.

On the contrary, learned Additional Public Prosecutor for respondent-State submits that examination of these witnesses is essential for prosecution to prove its case and so, these petitions deserve dismissal.

Upon hearing and on perusal of impugned order, I find that due to inadvertence, examination of these witnesses could not be concluded and at the final stage, respondent has discovered that evidence of these witnesses is not completely recorded.

In the facts and circumstances of this case, I find that recalling of these witnesses is necessary for a just decision in these FIR cases.

Consequently, finding no substance in these petitions and the applications, they are hereby dismissed.

(SUNIL GAUR)
JUDGE

MAY 10, 2019

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