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

+ **W.P.(CRL) 2788/2019**

JAGMAL

..... Petitioner

Through: Mr M.N. Dudeja, Mr Satyam Thareja,
Mr Neeraj Bhardwaj and Mr Aditya
Mishra, Advocates.

versus

STATE

..... Respondent

Through: Ms Shivani Sharma, Ms Salini Jain,
Mr Chaitanya Bansal, Advocates for
Ms Richa Kapoor, ASC for State.
SI Brij Moha, PS Mansarovar Park.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.09.2019

CRL.M.A. 37118/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition impugning an order dated 20.09.2019, whereby the Trial Court has directed that all remaining witnesses be summoned on 28.09.2019.

4. It is stated that 27 witnesses were to be examined, out of which PW-1 (the child witness) has already been examined and discharged on 16.12.2017. Examination-in-chief and part cross-examination of the prosecutrix (PW2) has been recorded. Part examination-in-chief of the father

of the prosecutrix (PW3) has also been recorded.

5. In the given circumstances, this Court considers it apposite to direct that the material witnesses be examined in the first instance. The other witnesses may be summoned on another date.

6. The prosecution shall ensure that the material witnesses are available for recording of their examination-in-chief and cross-examination, in terms of the order dated 20.09.2019.

7. The petitioner shall not seek any adjournment or deploy any delaying tactics. Needless to state that if the Trial Court finds that the petitioner is delaying the trial, it shall record the same and pass appropriate orders.

8. The petition is disposed of with the aforesaid directions.

9. Order *dasti* under signature of the Court Master.

SEPTEMBER 27, 2019
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VIBHU BAKHRU, J