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

+ CRL.M.C. 5585/2018 & CRL.M.A. 35530/2018

SANJAY SHARMA

..... Petitioner

Through: Mr. Avinash Malhotra and Mr. Pankaj
Mehendiratta, Advocates

versus

MUKESH KUMAR MANGLA

..... Respondent

Through: Mr. Jai Vats, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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16.01.2019

CW-1 has been partly cross-examined. On 23.08.2018, matter was listed for further cross-examination of CW-1 and an adjournment was sought by the petitioner on the ground that counsel for the petitioner was unwell and had gone to Safdarjung Hospital for tests.

Adjournment was declined and opportunity to cross-examination of CW-1 was closed.

That is how petitioner is before this court by way of present petition under section 482 Cr.P.C. Learned counsel for the petitioner submits that trial court could have adjourned the matter in view of the illness of the counsel and respondent could have been compensated for the delay in terms

of costs. Accordingly, I do find force in the contention since counsel was unwell trial court ought to have considered the request of the petitioner pragmatically.

Impugned order is set aside and petitioner is afforded one opportunity to cross-examine CW-1, subject to costs of ₹ 10,000/- to be paid to respondent.

Trial court shall fix a date for cross-examination of CW-1 and afford opportunity to petitioner to cross-examination CW-1. It is made clear that only one opportunity will be granted to petitioner to cross-examine the witness. However, if cross-examination of CW-1 is not completed in one day, the same shall continue on day to day basis till it is completed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JANUARY 16, 2019
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