

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 04, 2019

+ CRL.REV.P. 1137/2018 and CrI.M.A. 49709/2018

BHUVNESH PRAKASH SHARMA Petitioner

Through: Mr. R.N. Sharma, Advocate

Versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 22nd October, 2018 declines petitioner's application for getting Suraj Mal and Dimple Ahuja summoned in defence.

Learned counsel for petitioner submits that name of Suraj Mal is very much mentioned in the suicide note and the evidence of Dimple Ahuja is necessary to prove the financial transaction which has an important bearing on the facts of instant case. It is also stated that the case is pending before trial court for recording of evidence.

Learned Additional Public Prosecutor for respondent-State supports the impugned order.

Upon hearing and on perusal of the impugned order, I find that if petitioner is not allowed to get Suraj Mal and Dimple Ahuja examined and cross-examined, then his defence would be prejudiced, as the evidence of these two witnesses has a vital bearing on the merits of the

case.

Accordingly, the impugned order is set aside with direction to trial court to summon Suraj Mal and Dimple Ahuja for recording of evidence on the date fixed. Let the trial court make all the endeavours to conclude the defence evidence on the date so fixed.

This petition and application are accordingly disposed of with aforesaid directions, while not commenting on merits.

Dasti.

FEBRUARY 04, 2019
p'ma

(SUNIL GAUR)
JUDGE



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