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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 6585/2018

RAJESH & ORS

..... Petitioners

Through: Mr. Hans Raj Singh, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP with
Inspector Rajpal Singh,
PS:Nihal Vihar, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.03.2019

CRL.M.A. 50541/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 6585/2018 & Crl.M.A.50542/2018

1. Issue notice. Notice is accepted by the learned APP on behalf of the State.
2. Learned counsel for the petitioners submitted that he has already filed the copy of the proceedings, in compliance of the order dated 21.12.2018, on record.
3. Learned APP for the State submitted that there was a gross negligence on the part of the petitioners and he is opposing the prayer of the petitioner for giving them one more opportunity to cross-examine PW-26, i.e., the Investigating

Officer of the case. However, in the interest of justice, the petitioners may be given one last opportunity to cross-examine PW-26 with costs.

4. Learned counsel for the petitioners further submitted that the petitioners are ready and willing to pay costs, in case one more opportunity is granted to cross-examine PW-26. It is also submitted by the learned counsel for the petitioners that the case is now fixed before the Trial Court on 28.3.2019 for final arguments.

5. Accordingly, in view of the cause submitted as well as the submissions and in the interest of justice, the order dated 7.12.2018 is set aside, subject to costs of Rs.30,000/- upon the petitioners, out of which Rs.15,000/- be deposited in the Bharat Ke Veer Corpus Fund and Rs.15,000/- in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820. The receipts of the deposits be filed in the Registry within three weeks. Copy of the receipts shall also be handed over to the APP through the I.O. within three weeks. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders. It is clarified that PW-26 shall remain present on 28.3.2019 before the Trial Court, when the cross-examination will be conducted by the petitioners. It is clarified that the cross-examination will be concluded, as undertaken by the learned counsel for the petitioner, on the

same date, i.e., 28.3.2019 itself and no further adjournment whatsoever shall be granted, under any circumstances to the petitioners for further cross-examination of PW-26.

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

Dasti.

CHANDER SHEKHAR, J

MARCH 18, 2019

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