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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 130/2020
ASHA RANI WADHWA & ANR. Petitioners
Through Mr.Yudhvir Dalal, Adv. with
Mr.Jagjit Nandal & Mr.Vikas Verma,
Adv.
versus

CENTRAL BUREAU OF INVESTIGATION (CBI) Respondent
Through Mr.Prasanta Varma, SPP with
Ms.Prativa R. Varma, Adv.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **11.02.2020**

The present petition is filed under section 397 read with sections 401/482 of Cr.P.C. for setting aside impugned order dated 15.01.2020 in CC No.07/2012 passed by learned Special Judge (PC Act), Rouse Avenue Courts, New Delhi.

Issue notice.

Learned counsel accepts notice on behalf of respondent.

With the consent of the parties, present petition is taken up for final disposal.

It is stated in the present petition that vide impugned order dated 15.01.2020, learned Trial Court has infringed petitioners' legal and statutory right of leading defence evidence by submitting list of defence witnesses. While passing the impugned order, learned Trial Court has curtailed the legal right of petitioners to lead their defence evidence and has also failed to realize poor and pathetic economic condition of petitioners. Further, learned

Trial Court has failed to understand that petitioners, not being economically sound to afford an able private advocate of their choice, had requested to provide legal aid counsel to represent them in the pending case. Although the legal aid counsel was appointed and that counsel appeared in court on behalf of petitioners but later on he stopped representing them.

Counsel for respondent has pointed out that pursuant to order dated 13.01.2020, cost amount has not been deposited by petitioners and learned Trial Court has opined that no steps have been taken for summoning the defence witnesses by them.

The fact remains that pursuant to order dated 13.01.2020, petitioners were directed to lead defence evidence and matter was fixed for 15.01.2020. Since there was only one day in between, therefore, petitioners were not able to file the list of witnesses and also to examine them in their defence.

Accordingly, I hereby set aside the order dated 15.01.2020 to the extent that the Trial Court has not allowed them to lead evidence. In the interest of justice, I hereby direct Trial Court to give one opportunity to petitioners to lead evidence in their defence.

It is made clear that petitioners shall deposit cost amount pursuant to order dated 13.01.2020 at the time of filing of list of witnesses.

In view of above, the petition is allowed and disposed of.

SURESH KUMAR KAIT, J

FEBRUARY 11, 2020/ab