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

+ **W.P.(CRL) 735/2020**

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..... Petitioner

Through Mr. Wills Mathews and Mr. Paul
John Edison, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
(Criminal) for the State with
Mr.Chaitnaya Gosain and
Mr.Divyank Tyagi, Advocates with
SHO/Insp. T.R. Meena and SI Rekha
Chauhan, PS New Ashok Nagar.
Mr. Harish Vaidyanathan, CGSC for
R-1 and R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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16.03.2020

Crl. M.A. Nos. 5553-54/2020 (for exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(CRL) 735/2020

1. The petitioner, who is an accused in case FIR No. 587/2018 registered at Police Station New Ashok Nagar under Sections 376D/365/328/506 IPC, has moved this petition seeking a writ of habeas corpus for production of the complainant/prosecutrix.

2. The case of the petitioner is that the prosecutrix had gone missing and due to her non-production petitioner is facing proceedings in the aforesaid case.
3. In our view, this petition at the instance of the petitioner, at this stage, is not maintainable as no such application for production of the prosecutrix or for recording of her statement has been moved before the trial court.
4. We are informed that charge sheet has been filed on 02.03.2019 and the matter is now fixed before the trial court on 23.03.2020 for the purpose of arguments on charge.
5. We dispose of this petition with direction to the trial court to proceed to hear arguments on charge and to pass orders thereon. Any request by the petitioner for production of prosecutrix may be considered by the trial court in accordance with law.
6. The petition stands disposed of accordingly.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MARCH 16, 2020

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