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

% Judgment delivered on: 27.01.2023

+ CM(M) 132/2023

CHOUDHARY RAJVEER JAISWAL Petitioner

versus

RAM KUMAR ROY Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Pawan Kumar Bahl, Adv.

For the Respondent : Mr. Satish, Adv.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 4070/2023 (Exemption from filing certified copies of annexures)

1. This is an application seeking exemption from filing certified copies of the annexures.
2. Exemption is allowed, subject to all just exceptions.
3. Application stands disposed of.

CM APPL. 4071/2023(Delay of 68 days in re-filing the appeal)

4. This is an application seeking condonation of delay in re-filing the present petition.
5. For the reasons stated in the application, the application is

allowed. The delay of 68 days in re-filing the present petition is condoned.

6. Application stands disposed of.

CM(M) 132/2023 & CM APPL. 4069/2023

7. After hearing arguments of learned counsel appearing for the parties, and keeping in view the order dated 15.01.2020 passed by this Court in Bail Application No. 801/2019 titled as “*Chaudhary Rajveer Jaiswal Vs. State of NCT of Delhi*” whereby anticipatory bail application of the petitioner was dismissed, and particularly bearing in mind para 4 of the said order, this Court deems fit to give only one chance to the petitioner to examine himself as defendant’s witness before the learned Trial Court on following conditions:-

- (a) The petitioner shall file his evidence by way of affidavit on or before 31.01.2023 with an advance copy to be handed over to learned counsel for the respondent by 30.01.2023.
- (b) Upon filing of such an affidavit on 31.01.2023, the learned Trial Court shall record the evidence of the petitioner/defendant on 14.02.2023 (this date has been given with consent from both the counsels.)
- (c) The examination in chief as well as cross examination shall be commenced and concluded on 14.02.2023 with no adjournment being given to either of the parties at any cost.
- (d) The aforesaid conditions are subject to payment of cost of Rs.50,000/- to be paid by the petitioner to the respondent on 02.02.2023 against a proper and valid receipt.

8. The said order dated 15.01.2020 of this Court in Bail Application

No. 801/2019 titled as “*Chaudhary Rajveer Jaiswal Vs. State of NCT of Delhi*” is taken on record.

9. The learned Trial Court will not permit any other witness to be examined on behalf of petitioner/defendant and consequently proceed in accordance with law once the recording of evidence of DW1 is completed.

10. If there is any infraction of the aforesaid directions or the time lines, opportunity to examine respondent/defendant shall automatically deemed to have lapsed.

11. In view of the aforesaid directions, the petition stand disposed of.

JANUARY 27, 2023/ms

TUSHAR RAO GEDELA, J .