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

+ **CRL.M.C. 2977/2023**

**ANKIT**

..... Petitioner

Through: Mr. Shreeyash Uday Lalit, Mr. Manmohan Singh, Mr. Sandeep Singh, Mr. Krishangopal Abhay, Mr. Abhinav Aggarwal and Ms. Runjhun Garg, Advocates.

versus

**STATE (NCT OF DELHI)**

..... Respondent

Through: Mr. Amit Sahni, APP for State with Insp. Varun Dalal, PS Jahangirpuri.

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*Date of Decision: 27.04.2023.*

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. The present petition has been filed with the following prayer:

*“a) Pass an Order thereby quashing the quashing of the Order dated 18.01.2023 passed by the Court of Sh. Shivaji Anand, Ld. ASJ-04, North Rohini Courts;  
b) Direct the Ld. ASJ-04, North Rohini Courts to prepare a detailed case calendar for the examination of witnesses in SC No. 460/2021;”*

2. Learned counsel for the petitioner has challenged the order dated 18.01.2023 whereby six public witnesses have been summoned together by the learned Trial Court He submits that it will be humanly impossible for the

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petitioner to examine all the public witnesses.

3. Learned counsel for the petitioner has also invited the attention to the true copy of the statement of Master Aditya and Master Fateh Singh. Learned counsel submits that these statements have not been supplied.

4. I have seen the case diary and the perusal of the case diary indicates that the front page of the statement of Master Aditya has been supplied but the back page of this statement has not been supplied. Similarly it seems that the copy of the statement of Fateh Singh as filed by the petitioner with the petition is incomplete as the back page has not been supplied.

5. Learned APP for the State submitted that the complete statement has already been supplied. However, without going into this conspiracy, IO/Insp. Varun Dalal is directed to supply the complete set of the copy of both sides (Single Page) be supplied to the learned counsel for the petitioner today itself.

6. As far as the second contention of the learned counsel for the petitioner is concerned that the calendar of the witness should have been prepared by the learned Session Court and altogether six public witnesses should not have been examined on the same. I consider that this contention of the learned counsel for the petitioner is plausible. It is always advisable that the learned Trial Courts while fixing for prosecution evidence should prepare a calendar of evidence and have a complete road map for the prosecution evidence. The court can take judicial notice of the fact that on a given date it is impossible to examine six public witnesses. It is also correct that the prosecutor as well as the defence witness have to prepare themselves for the examination of the witness. Hence the learned Trial Court is directed to fix a fresh date for summoning of the public witnesses in such a manner

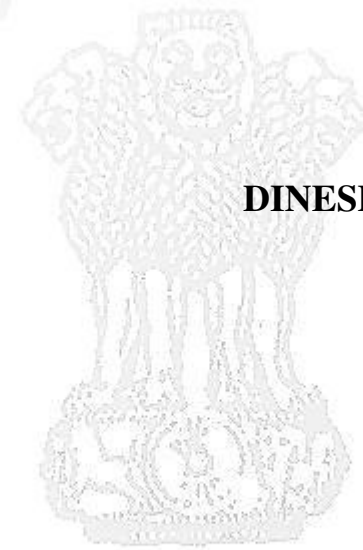
that they are duly examined and cross-examined on the given date. This court is of the view that generally also the Trial Courts should adopt this practice.

7. However, so far as tomorrow date is concerned the learned Trial Court shall proceed to examine the witnesses available with it but thereafter adjourn the case in such a manner that reasonable number of witnesses are examined who can be examined and cross examined on the same date.

8. With these directions the petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**APRIL 27, 2023/AR**



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