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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 1st OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3858 of 2024

BETWEEN:-

**RINKU SANKHWAR S/O SHRI RAJVEER SANKHWAR,
AGE 26 YEARS, OCCUPATION: LABOUR RESIDENT OF
GRAM SAINTHRA BADHAI TEHSIL PORSA POLICE
STATION AMBAH DISTRICT MORENA (MADHYA
PRADESH)**

.....APPLICANT

(SHRI KESHAV PATHAK- ADVOCATE FOR APPLICANT)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION AMBAH DISTRICT MORENA (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI P.P.S. VAJEETA- PUBLIC PROSECUTOR FOR RESPONDENT-
STATE)**

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

Learned Counsel for the applicant requests for withdrawal of this **second** application filed under Section 439 of CrPC.

Considered.

It has come to the notice of this Court, on perusal of order-sheets of Sessions Trial No.215 of 2023, that witnesses Manoj, Pradip, Jagdish and Neelam had appeared before the trial Court for evidence on 12-10-2023, 09-11-2023, 08-12-2023 and 05-01-2024. Since Trial Court was busy in recording the

evidence in other matter, these witnesses were not examined for consecutive four dates. This is unfortunate state of affairs.

Learned Trial Court is directed to ensure recording of evidence of witnesses strictly in compliance with mandate of law in Section 309 of CrPC.

With above direction, application is **dismissed as withdrawn**.

Let a copy of this order be forwarded by Registry to concerned Court.

(SANJEEV S KALGAONKAR)
JUDGE

MKB

