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

+ **CRL.M.C. 76/2024**

RAVINDER SINGH NANDA

..... Petitioner

Through: Mr.Manu Sharma, Mr.Abhir
Dutt, Mr.Kunal Sharma,
Mr.Kartik Khanna, Mr.Debayan
Gangopadhyay, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Aman Usman, APP
alongwith SI Sanjeet.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.01.2024**

CRL.M.A. 305/2024 (Exemption)

1. Allowed, subject to all just exception.

CRL.M.C. 76/2024 & CRL.M.A. 306/2024

2. This petition has been filed challenging the orders dated 30.10.2023 and 07.11.2023 passed by the learned Additional Sessions Judge (S.F.T.C.)-01, West, Tis Hazari Courts, Delhi (hereinafter referred to as the 'Trial Court') in SC No.253/2017, titled ***State v. Ravinder Singh Nanda@Sonu Nanda@Raminder***.

3. By the order dated 30.10.2023, the learned Trial Court has discharged the Investigating Officer (in short, 'IO') as a witness, as the petitioner herein did not cross-examine him in spite of the opportunity granted.



4. By the order dated 07.11.2023, the application seeking recall of the said witness has been dismissed.
5. The learned counsel for the petitioner submits that the petitioner on 30.10.2023, for reasons beyond his control, was unable to conduct the cross-examination of the IO on the first call of the matter and requested for a pass-over. However, the learned Trial Court was pleased to refuse the prayer, and discharged the witness without being cross-examined, thereby affecting the valuable rights of the petitioner, who is the accused in the case. Subsequently, by the order dated 07.11.2023, the application seeking recall of the witness has also been declined.
6. Issue notice.
7. Notice is accepted by Mr.Aman Usman, the learned APP for the State.
8. He submits that against the orders impugned in the present petition, a revision petition would lie and, therefore, this Court should decline to entertain the present petition filed under Section 482 of the Code of Criminal Procedure, 1973.
9. I have considered the submissions made.
10. In the peculiar facts of the present case, and in the interest of justice, the Impugned orders dated 30.10.2023 and 07.11.2023 are recalled, subject to the petitioner depositing a sum of Rs.20,000/- with the Delhi High Court Clerks Welfare Association within a period of two weeks from today.
11. The petitioner shall be bound by his undertaking and he shall not seek any further adjournment or indulgence of the learned Trial



Court for cross-examination of the concerned witness, that is, PW-12,
as and when directed by the learned Trial Court.

12. The petition is allowed in the above terms.

NAVIN CHAWLA, J

JANUARY 4, 2024/Arya/RP

Click here to check corrigendum, if any