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

+ **CRL.M.C. 93/2024 & CRL.M.A. 380-81/2024**

RAMESH CHANDER GOYAL & ANR. Petitioners

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva & Ms. Srishiti Bajpai, Advs.

versus

M/S LEO ISPAT LTD Respondent

Through: Mr. Noor Shergill & Ms. K. Agarwal, Advs.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER
05.01.2024**

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1. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:-

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly:-

a) Set aside the impugned order dated 16.12.2023 and 09.11.2023 passed by Shri Bharat Aggarwal, Ld. M.M.-01, N.I. Act, South District, Saket Courts, New Delhi in C.C. No.475248/2016 titled as Leo I spat Ltd. V s. Ramesh Chander Goyal & others whereby the application of the petitioners under section 311 Cr.P.C. was dismissed and consequently

b) Permit the petitioners to examine the remaining three defence witnesses as per the list of witnesses and permitted vide order dated 17.02.2023 passed by the Trial Court.

c) This Hon'ble Court may also pass any other or further order/s which this Hon'ble Court deem fit and proper in the interest of justice and in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that three witnesses remain



to be examined and last opportunity be given. The said witnesses will be examined on the date fixed by the learned Metropolitan Magistrate with the consent of parties and no adjournment will be sought. Learned counsel for the respondent on advance notice submits that *vide* order dated 17.02.2023, it was made clear to the petitioners that they will be given two opportunities for summoning the witnesses in their defence and record evidence for the same.

3. Be that as it may, with the consent of parties, the petition is disposed of with the following directions:-

(i) The petitioner shall examine Ajay Ashok Rohil at Sr. No.1, on 08.01.2024, i.e., the next date fixed before the learned Trial Court.

(ii) The remaining two witnesses shall be produced for examination on a date fixed for the said purpose by the learned Metropolitan Magistrate, with the consent of parties.

(iii) It is directed that no further opportunity shall be given to the petitioner to examine the witnesses in their defence.

4. With the aforesaid directions, the petition is partly allowed and disposed of.

5. Pending applications, if any, also stand disposed of.

6. Order be uploaded on the website of this Court, *forthwith*.

7. Copy of the order be sent to the concerned Trial Court, for necessary information and compliance.

AMIT SHARMA, J

JANUARY 5, 2024/nk