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

+ **CRL.M.C. 171/2024**

NITESH

..... Petitioner

Through: Mr. Nitish Ojha, Advocate.

versus

STATE

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with S.I. Kavita, P.S.: S J
Enclave.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

08.01.2024

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CRL.M.A. 694/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 171/2024 & CRL.M.A. 693/2024 (Stay)

3. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') the petitioner seeks setting aside of impugned orders dated 21.09.2023 and 22.11.2023 passed by the learned Additional Sessions Judge (ASJ), South, Saket Courts, in Sessions Case No. 7100/2016, titled as 'State Vs. Nitesh'.
4. Learned counsel for the petitioner submits that *vide* the impugned orders, learned ASJ has imposed a cost of Rs. 10,000/-, and has closed the applicant's right to lead the defence evidence. It is stated that the petitioner was suffering from mental trauma and depression, due to the passing away



of his wife and unborn child, due to which he was unable to lead defence evidence. It is further stated that the petitioner will be examining himself and his brother, for defence evidence

5. On the other hand, learned APP opposes the present petition and submits that the Trial Court had granted the petitioner two months' time to recover from the trauma and to lead defence evidence. However, the petitioner failed to comply with the order twice.

6. This Court has heard learned counsel appearing on behalf of the parties.

7. It is directed that the witnesses be examined in one single opportunity, which will be granted within 10 days from the date of passing of the order.

8. After conclusion of arguments, learned counsel for the petitioner has informed the Court that the matter is listed today itself for final arguments, before the learned Trial Court.

9. In these circumstances, the learned Trial Court is requested to adjourn the matter to 12.01.2024.

10. With the above directions, the instant petition along with the application seeking stay being CRL.M.A. 693/2024 are disposed of.

11. However, the petitioner is directed to pay Rs. 10,000 as costs, in addition to the costs imposed by the learned Trial Court, in DSLSA South.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 8, 2024/at

[Click here to check corrigendum, if any](#)