



\$~24

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

+ **CRL.M.C. 2759/2023**

SANGEETA SAINI

..... Petitioner

Through: Ms. Bhawna Nanda and Mr. Pulak
Gupta,.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Naresh Kumar PS Dabri,
Delhi.

Mr. Kamal Singh, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.02.2024

%

1. By way of present petition, the petitioner seeks to assail the order dated 17.10.2022 passed by the learned MM in Complaint Case No.4844/2018 titled as 'Kailash Devi v. Sangeeta Saini' whereby her application under Section 311 Cr.P.C to summon additional defence witness came to be dismissed.

2. Learned counsel for the petitioner states that inadvertently, the petitioner had preferred a revision petition against the said order which came to be dismissed. It is further stated that one opportunity may be given to examine Dhanraj Saini.

3. Learned counsel for the parties inform that the matter is at the stage of final arguments.

4. Learned counsel for the respondent No.2 states that the petitioner has



already examined two defence witnesses namely *Suman Bali* and *Sudesh Sharma* and that the additional witness sought to be summoned is none other than the petitioner's husband namely *Dhanraj Saini*, and the same is only a delaying tactic.

4. Considering that the final arguments are yet to be addressed, the petition is allowed however, subject to payment of cost of Rs.10,000/- to be paid to the respondent No.2. The petitioner shall be granted one opportunity to summon and examine the said witness. The respondent No.2 shall also ensure that the said witness be cross examined on that day. The entire process shall be undertaken on 13.02.2024 or immediately thereafter.

5. The petition is disposed of in above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 9, 2024/rd