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

+ **CRL.M.C. 2444/2024 & CRL.M.A. 9315/2024**

MANOJ MITTAL

..... Petitioner

Through: Mr. Akshay Bhandari, Mr.
Anmol Sachdeva and Ms.
Megha Saroa, Advs.

versus

STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Utkarsh, APP for the
State with Mr. Siddhant
Tyagi, Adv. with Insp.
Yogendra Kr., PS
Sultanpuri and SI Braham
P., PS Sultanpuri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.04.2024

1. The present petition is filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, praying as under:

- “a. Direct the Ld. Trial Court to examine the material witness in FIR No. 2/2023 under Sections 279/304 IPC PS Sultaanpuri within a period of 3 months from the next date of hearing*
b. Any other orders this Hon’ble Court deems fit.”

2. The FIR was registered only in the year 2023.

3. The material witness was summoned by the learned Trial Court for 13.12.2023 and thereafter for 28.02.2024. The learned Trial Court noted that even though summons were served on the witness, however, she was unable to attend due to ill health. The matter is now listed for evidence on 18.04.2024.



4. The learned counsel for the petitioner submits that the witness is purposely not attending the hearings.
5. It is expected that the examination of the witness would be conducted expeditiously. The petitioner is also at liberty to file an application in case the petitioner feels that the witness is avoiding trial.
6. In view of the above, this Court finds no reason to interfere with the proceedings pending before the learned Trial Court.
7. The present petition, along with the pending application(s), is dismissed with the aforesaid observations.

AMIT MAHAJAN, J

APRIL 15, 2024

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