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

+ **CRL.M.C. 3188/2023 & CRL.M.A. 11936/2023**

RITU ARORA @ RETU

..... Petitioner

Through: Mr. Sanjay Rathi, Mr. N.K. Sinha,
Mr. Sandeep Rathi and Mr. Aakash
Dahiya, Advocates with petitioner in
person.

versus

THE STATE & ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
Mr. Mayank Khurana, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.03.2024

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1. By way of present petition filed under Section 482 Cr.P.C, the petitioner seeks setting aside of the order dated 23.03.2023 passed by the learned MM (NI Act)-10/SW, Dwarka Courts, New Delhi in Complaint Case No.12594/2019 titled 'Smt. Ritu Arora @ Retu v. Bhupinder Kaur' whereby petitioner/complainant's application under Section 311 Cr.P.C seeking examination of witness *Smt. Renu Singla* came to be dismissed.

2. Learned counsel for the petitioner states that examination of *Smt. Renu Singla*, who was the attesting witness to documents Ex.CW1/2A and Ex.CW1/3A, will have a bearing on a trial. He further states that in the year 2019, even respondent No.2 had filed an application under Section 311 Cr.P.C, which was allowed subject to payment of cost of Rs.20,000/-. He states that the petitioner only seeks one opportunity to examine the said witness for one day only.



3. Learned counsel for the respondent No.2 has opposed the petition. He however, concedes that a similar application was filed by the respondent No.2, which came to be allowed in the year 2019.
4. Considering the aforesaid facts and circumstances including the fact that the trial is still pending, interest of justice would be met in case the application under Section 311 Cr.P.C filed by the petitioner is allowed however, subject to payment of cost of Rs.25,000/- to be paid by the petitioner to the respondent No.2 within two weeks.
5. The trial court is directed to give one opportunity to the petitioner to examine the aforesaid witness, who shall also be cross-examined on the same day. Learned counsels for the parties assure the Court that no adjournment on any ground would be sought before the trial court.
6. The petition is disposed of in above terms, along with pending application.

MANOJ KUMAR OHRI, J

MARCH 14, 2024/rd