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

+ **CRL.M.C. 4044/2024 & CRL. M.As 15406-07/2024**

SUNITA

..... Petitioner

Through: Mr. Syed Hasan Isfahani, Advocate.

versus

STATE OF UT CHANDIGARH

..... Respondent

Through: Mr. Charantjit Singh Bakshi, Addl.
PP for State of UT of Chandigarh.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.05.2024

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1. By way of present petition, the petitioner seeks setting aside of the order dated 04.05.2024 passed by the Principal District & Sessions Judge-Cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court in CC No.18/2021.
2. During the course of arguments, learned counsel for the petitioner fairly states that he will restrict his challenge to non-summoning of a witness in relation to paragraph 6(ii) of the application filed by the respondent whereby he has sought summoning of the concerned clerk from the office of Goods and Service Tax Commissionerate C.R. Building, Plot No.19, Sector-17-C, Chandigarh in the context of document showing list of business declared by Punjab Electronic, Sector-18-C, Chandigarh having GST No.04ABZPS4731Q1ZN and place of business.
3. Learned counsel for the petitioner submits that the petitioner while cross examining PW35 has put the relevant questions to PW-35 to the effect



that the Punjab Electronic, Sector-18-C, Chandigarh was not authorized to sell sim cards.

Mr. Bakshi, learned Addl. PP for the UT of Chandigarh has opposed the prayer made in the application and submits that the said request would not in any manner have a bearing on the recovery effected during investigation at the instance of the present petitioner.

4. Without commenting on the merits of the contentions, as the matter is pending for final consideration before the learned Trial Court, it would be deemed apposite that keeping in view the totality of facts and circumstances as well as the context of cross examination, one opportunity be granted to the petitioner to summon the concerned clerk from the office of Goods and Service Tax Commissionerate, C.R. Building, Plot No.19, Sector-17-C, Chandigarh at her risk and costs. The petitioner would take immediate steps in this regard and shall approach the learned Trial Court.

5. In case the Trial Court comes to a conclusion that there is any delay caused on behalf of the petitioner, the learned Trial Court shall proceed with the matter, as per law.

6. The petition is disposed of in above terms along with pending applications.

MANOJ KUMAR OHRI, J

MAY 22, 2024/rd