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

+ **CRL.M.C. 4449/2024 & CRL.M.A. 16841/2024(Stay)**

SH. RAM PHAL

..... Petitioner

Through: Mr. Akshay Kumar, Mr. Brajesh Kumar Yadav, Mr. Narendra Kumar & Mr. Nitish Khatri, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the State.
Mr. H.R. Singh, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **28.05.2024**

CRL.M.A. 16842/2024(Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of accordingly.

CRL.M.C. 4449/2024 & CRL.M.A. 16841/2024(Stay)

3. The present application under Section 482 of the Cr.P.C. seeks the following prayers:

“I. Set aside the impugned judgment dated 03.04.2024 passed by the Ld. Trial Court.

II. Allow application of the petitioner under section 311 Cr.P.C. to call the witness namely Mukesh Kamwal for his examination.

III. Pass such other and further order which this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

4. With the consent of the parties, without prejudice to their rights and



contentions, the following directions are passed:-

- (i) The impugned order dated 03.04.2024 in CT Cases 3928/2018 passed by Ms. Mansi Malik, learned Metropolitan Magistrate-01, NI Act, West, Tis Hazari Courts, Delhi is modified to the extent that witness, namely, Mukesh Kamwal will be recalled for examination on the date so fixed by the learned Trial Court with the mutual consent of the parties herein.
 - (ii) A sum of Rs. 10,000/- as cost has already been paid today by the petitioner to learned counsel for respondent no. 2, who acknowledges the receipt of the same.
5. The parties are directed to appear before the learned Trial Court on 04.06.2024 at 02:00 PM for further directions.
 6. It is further directed that no further adjournment shall be granted by the learned Trial Court and the present opportunity has been given as last and final.
 7. With the aforesaid directions, the present petition is partly allowed and disposed of accordingly.
 8. Copy of this order be sent to concerned learned Trial Court for necessary information and compliance.
 9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 28, 2024/bsr

Click here to check corrigendum, if any