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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6109/2023 and CRL.M.A. 22960/2023

RAMKRISHNA MEDICO & ANR.

.....Petitioners

Through: Mr. Dipak Kr. Jena, Mr. R.K. Oshwal
and Ms. S. Mishra, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for State with
Insp. Jitendra
Mr.Uttam Kumar, Advocate for respondent No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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21.08.2024

1. By way of the present petition, the petitioners seek setting aside of the order dated 02.05.2023 vide which, the application filed by respondent No.2/complainant under Section 311 Cr.P.C. for recall of CW-1 and placing on record the additional documents, was allowed.
2. The only grievance raised by the petitioners is that no opportunity was granted to the petitioners to rebut the application as the same was filed and allowed on the same date. He submits that though the complainant was seeking opportunities time and again to file the said application, however, the same came to be filed after a long delay. He also submits that the petitioners were not represented by a counsel on that day as only a proxy counsel had appeared on the said date.
3. Learned counsel for respondent No.2 submits that he has no objection if the matter is remanded back for a fresh consideration.



4. Keeping in view the above, the order dated 02.05.2023 is set aside. The trial court is directed to consider it afresh after granting an opportunity for rebuttal to the petitioners.

5. In view of the above, the application is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

AUGUST 21, 2024

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