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

+ CRL.M.C. 5534/2024, CRL.M.A. 21118/2024 and
CRL.M.A. 21119/2024

YAWER HAMID

.....Petitioner

Through: Mr.Mohammad Faizan, Advocate

versus

ROHIT KUMAR CHANDEL

.....Respondent

Through: Mr.Jitender Verma, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2024

1. By way of present petition, the petitioner seeks to assail the order dated 30.04.2024 passed by learned MM, Saket Courts, New Delhi in CC No.10553/2019 vide which the petitioner's application seeking recall of the respondent/complainant under Section 311 Cr.P.C. was dismissed.
2. Learned counsel for the petitioner submits that though the petitioner had cross-examined the respondent, however, vital aspects of the defence were inadvertently not put. He submits that the petitioner in line of his consistent defence needs only one opportunity to put additional questions.
3. Issue notice.
4. Learned counsel for the respondent, while accepting notice, fairly does not oppose the prayer made in the petition, however, submits that the petitioner may not delay the trial.



5. At this stage, learned counsel for the petitioner submits that as the date before the trial court is fixed for 23.07.2024, he would need only one opportunity to carry out further cross-examination.

6. Learned counsel for the respondent assures that the respondent would remain present before the trial court on 23.07.2024.

7. Considering the no objection given by learned counsel for the respondent, the present petition is allowed subject to the petitioner paying cost of Rs.10,000/- to the respondent. The respondent shall remain present on the next date of hearing before the trial court. The trial court shall permit the petitioner to cross-examine the respondent only for one date. In case, the petitioner fails to cross-examine the respondent, the opportunity would stand closed.

8. In view of the above, the petition is disposed of alongwith the pending applications.

DASTI.

MANOJ KUMAR OHRI, J

JULY 22, 2024

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