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

+ CRL.M.C. 8576/2023 & CRL. M.A. 32023/2023

SACHIN MATHUR

..... Petitioner

Through: Mr. Shubhlaxmi Dubey and Ms.
Taniya Kapoor, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.05.2024

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1. By way of the present petition filed under Section 482 Cr.P.C., the petitioner seeks to set aside the order dated 17.10.2023 vide which the application under Section 311 Cr.P.C. seeking recall of IO/SI Kamal Singh filed by the petitioner, was dismissed.

2. Learned counsel appearing for the petitioner submits that the investigating officer could not be cross-examined on account of medical exigency of the learned counsel for the petitioner. Learned counsel submits that the petitioner has not caused any delay in trial. However, without appreciating the facts, the application under Section 311 Cr.P.C. was dismissed. Learned counsel further states that in case the petitioner is considered favourably, the petitioner would cross-examine the IO on the same day on which he would be called and no further adjournment will be



sought.

3. Learned APP for State states that in view of the fact that the person sought to be recalled is the Investigating Officer of the case and the trial has not proceeded, he has no objection to the prayer made in the petition.

4. Considering the aforesaid facts and circumstances of the case and submissions made by learned counsel, the present petition is allowed and order dated 17.10.2023 is set aside. Let the I.O. be summoned only for one date on which day, the petitioner shall ensure that the cross examination is conducted.

MANOJ KUMAR OHRI, J

MAY 17, 2024/ssc