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

+ **CRL.M.C. 7357/2024 & CRL. MA 28055/2024**

ROSHAN KUMAR MISHRAPetitioner

Through: Mr. Vimal Tyagi, Mr. Balaji Pathak,
Mr. Tripurari Jha and Mr. Sushanshu
Tyagi, Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Aashneet Singh, APP for State
with ASI Arvind Kumar PS Burari,
Delhi (M:9810885920)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **17.09.2024**

1. By way of present petition, the petitioner seeks examination of the witnesses, namely *Mr. Puran Lal Srivastava* (the complainant herein) and *Ms. Mamta* (the victim herein), in the case pertaining to FIR No. 261/2020 registered under Sections 341/307/509/323/34 IPC at P.S. Burari, Delhi.
2. In this regard, learned counsel for the petitioner has referred to the order dated 16.05.2023 passed by this Court in Bail Appln. 1610/2023 whereby, while not acceding to the petitioner's request to be released on regular bail, this Court directed the Trial Court to make an endeavour to examine the material witnesses expeditiously. The petitioner is aggrieved by the fact that till date, the material witnesses are remaining to be examined.
3. Learned APP for the State, while accepting notice, has drawn the attention of the Court to the order dated 30.07.2024 passed by the Trial Court to submit that the witness/victim *Ms. Mamta* complained of receiving



threats at the hands of the accused persons. He further submits that on an early hearing application moved by the petitioner, the Trial Court has preponed the date of hearing for examination of the material witnesses to 27.09.2024. He, upon instructions, submits that requisite steps shall be taken by the concerned IO to look into the threats as well as to ensure the safety and appearance of the said witnesses before the Trial Court on the next date of hearing.

4. Considering the fact that more than three years have passed and the charges having been framed against the petitioner on 08.08.2022 and against the co-accused persons on 26.02.2024, the Trial Court shall also ensure that the material witnesses be examined on the next date of hearing and/or immediately thereafter and preferably within three months from today. The I.O./Trial Court shall also ensure that on assessment of any threat perception, necessary measures be also directed to be taken.

5. The petition is disposed of in above terms along with pending application.

MANOJ KUMAR OHRI, J

SEPTEMBER 17, 2024/rd