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

+ **CRL.M.C. 8226/2024**

VEER SINGH

.....Petitioner

Through: Mr.Yash Aggarwal and
Ms.Chitrakshi, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Mukesh Kumar, APP for the State
alongwith Insp. Rajnish Kumar, P.S.-
Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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12.11.2024

CRL.M.A. 33809/2024 (Early hearing)

By way of this application, the applicant/petitioner seeks early hearing of the captioned petition i.e. CRL.M.C. 8226/2024.

For the reasons stated in the application, the instant application is allowed.

The application stands disposed of.

CRL.M.C. 8226/2024

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier 482 of the Code of Criminal Procedure, 1973) on behalf of the petitioner seeking the following reliefs:-

“a) Quash and set aside the order dated 04.10.2024 passed by the Ld. Additional Sessions Judge, Central District, Tis Hazari Courts, Delhi



in FIR No. 601/2014, PS Sarai Rohilla, under Section 302/34 IPC, rejecting the Petitioner's applications for recalling the IO and calling defense witnesses;

b) Direct the learned trial court to allow the Petitioner's application for recalling the IO, Shri Davinder Rathi, for further cross-examination;

c) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Learned counsel appearing on behalf of petitioner submitted that pursuant to the directions passed by the Hon'ble Supreme Court, the case is now at the stage of final arguments and in case the directions are not passed by this Court in the present petition, the present petition shall become infructuous and the petitioner shall be put to irreparable loss and injury. It is submitted, on instructions, that petitioner would be satisfied only if the PW-26 i.e. the Investigation Officer, Shri Davinder Rathi, is recalled for the purpose of further cross-examination and the petitioner is allowed to examine Dr. L.C. Gupta, Specialist Forensic Medicine, Subzi Mandi Mortuary, Aruna Asaf Ali Govt. Hospital, as defense witness. On instructions, it is further submitted that the petitioner shall not insist for summoning or examination of any other witness.

3. Learned counsel appearing on behalf of petitioner has also stated at bar that for the purpose of further cross-examination of the Investigation Officer, Shri Davinder Rathi, and examination of Dr. L.C. Gupta, Specialist Forensic Medicine, Subzi Mandi Mortuary, Aruna Asaf Ali Govt. Hospital, he shall not take more than an hour. He further undertakes that the petitioner shall not take any adjournment nor shall press or insist for examination of any other witnesses.



4. Learned APP for the State has fairly submitted that for the purpose of expeditious disposal of the case, the prayer of the petitioner may be allowed subject to the fact that the petitioner may not take any adjournment for the purpose of cross-examination of PW-26 i.e. the Investigation Officer, Shri Davinder Rathi, and it shall be the responsibility of the petitioner to produce Dr. LC Gupta, Specialist Forensic Medicine, Subzi Mandi Mortuary, Aruna Asaf Ali Govt. Hospital, for the purpose of defense witness.
5. In view of the facts and circumstances, the petition is allowed with the direction that the PW-26 i.e. the Investigation Officer, Shri Davinder Rathi, shall make himself available before the trial Court on 14.11.2024 for the purpose of further cross-examination. Further, it would be the responsibility of the petitioner to produce Dr. LC Gupta, Specialist Forensic Medicine, Subzi Mandi Mortuary, Aruna Asaf Ali Govt. Hospital, as defense witness on 14.11.2024 for the purpose of examination. The petitioner shall not take any adjournment.
6. With the aforesaid directions, the petition stands disposed of.
7. Copy of this order be given *dasti* under the signatures of the Court master.
8. The next date of hearing i.e. 18.12.2024 stands cancelled.

DINESH KUMAR SHARMA, J

NOVEMBER 12, 2024

Dy/ht..