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

+ CRL.M.C. 1528/2021 & CRL.M.A. 10651/2021

MS SHABNAM

.....Petitioner

Through: Ms. Counsel (*Appearance not given*)

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Awadhesh Narayan,
P.S. Chandni Mahal
Ms. Mishika Singh, DHCLSC for
R-3 to 6

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.04.2025

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1. Petition under section 482 Cr.P.C. has been filed to challenge the Order dated 13.09.2019 of learned M.M. in FIR No. 314/2014 at PS Chandani Mahal, whereby the Application under Section 311 Cr.P.C. filed by Ms. Valkish Begum, mother of the Complainant has been dismissed and also the Order dated 08.12.2020, whereby Criminal Revision No. 709/2019 has been dismissed by the learned Principal District and Sessions Judge on the technical ground of non-maintainability of the Revision Petition.
2. The Application under Section 311 Cr.P.C. had been filed by Ms. Valkish Begum, who was examined as PW-9. It is stated in the Application that her testimony was recorded on 13.08.2019 despite her request that she was not feeling well. She has, therefore, sought her re-examination.
3. Her Application has been dismissed by the learned M.M. *vide* Order

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dated 13.09.2019 as being without any justifiable ground as the prosecution cannot be allowed to fill the lacuna in its case.

4. Pertinently, the Application under Section 311 Cr.P.C. has been filed by a witness for a recall rather than the Complainant/prosecutrix making the said Application.

5. Learned counsel on behalf of the Petitioner seeks permission to withdraw the present Petition with liberty to its remedy before the learned Trial Court.

6. In view of the submissions made, the Petition is permitted to be withdrawn with liberty as prayed for.

NEENA BANSAL KRISHNA, J

APRIL 30, 2025

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