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

+ **CRL.M.C. 7696/2023 & CRL.M.A. 28667/2023**

ASHLESH KUMAR GARG

.....Petitioner

Through: Mr. Ashish Chauhan, Adv.
versus

RAHUL SHARMA

.....Respondent

Through: Mr. Raj Kumar and Mr. B C Sharma
Advvs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.01.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the CrPC read with Article 227 of the Constitution of India seeks the following prayers: -

“A. Set aside the impugned orders dated 19/05/2023 & 08.08.2023 passed by the court of Ld. Trial Court in the Complaint Case No.536811/2016 titled as "Rahul Sharma vs Ashlesh Kumar Garg"; and B. Grant an opportunity to the Petitioner to cross examine the Respondent Witness (CW-1), Mr. Rahul Shanna; and Pass any other order as this Hon'ble Court deems fit and proper in view of the said facts and circumstances.”

3. Learned counsel appearing on behalf of the petitioner submits that last and final opportunity may be granted for examining CW-1, Rahul Sharma. It is further submitted that prior to the closing the right of cross-examination of CW-1, the latter has not been appearing before the learned Trial Court.
4. Be that as it may, with the consent of the parties, the following order is passed: -



- (i) CW-1, Mr. Rahul Sharma, shall appear before the concerned Trial Court on 15.01.2025.
 - (ii) The learned Trial Court shall ensure that the cross-examination of CW-1 is conducted on the said date and no adjournment shall be granted.
 - (iii) The aforesaid direction is subject to payment of cost of Rs. 25,000/- to the respondent before the learned Trial Court.
5. It is made clear that if the cost is not paid then, the right of the petitioner to cross-examine CW-1, Mr. Rahul Sharma, shall stand closed.
 6. The petition stands disposed of in the aforesaid terms.
 7. Copy of the order be communicated to the learned Trial Court for necessary information and compliance.
 8. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 9, 2025/nk

Click here to check corrigendum, if any