

SC No. 28341/2016
FIR No. 385/2016
PS: DBG Road
U/Sec. 306/498A IPC
State Vs. Mratyunjay Kumar-B

11.09.2023

File received by way of transfer vide Order No. 67164-202/F.3(4)/ASJ/Gaz./2023 dated 02.09.2023 passed by Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts. Let it be checked and registered.

Present: Sh. Parvesh Kumar Ranga, Ld. APP for the State.

Sh. Saksham Arora, Ld. Counsel for accused with accused in person.

The accused has moved an application u/Sec. 311 Cr. PC copy of which is supplied to the ld. APP for the State today.

Reply is not sought to be filed by the State. Arguments are heard. However it is noted that PW-16 was allowed to be cross-examined and his cross-examination was also done by the ld. Counsel for accused Sh. Sanjay Kumar Malik on 26.04.2023. Ld. Counsel for accused submits that he could not cross-examine the witness on 17.11.2022 and therefore he seeks to recall the said witness for cross-examination. However vide order dated 17.11.2022 the said witness PW-16 was summoned, re-summoned on 12.12.2022 who was partly cross-examined on 17.04.2023 and completely cross-examined on 26.04.2023.

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In such view of the matter cross-examination of the said witness is complete on various dates on behalf of accused and merely because another Counsel is engaged by the accused is no ground to re-summon the said witness for cross-examination. Hence no ground is made out to summon PW-16 and application stands dismissed.

Put up for recording of statement of accused u/Sec. 313 Cr. PC on **09.10.2023**.

(JOGINDER PRAKASH NAHAR)
Additional Sessions Judge (FTC-I)
Tis Hazari Court/Delhi/11.09.2023