

5 SC 297/2017
STATE Vs. ARVIND PAL & ORS.
FIR No. 164/2017
PS Sonia Vihar

17.12.2024

Present: Sh. Kamal Akhter, Ld. Addl. PP for the State.
Sh. C. B. Singh, Ld. Amicus Curiae for accused Arvind Pal
alongwith accused.
Sh. V. S. Chauhan, Ld. Counsel for accused Arun and Sonu
alongwith accused Arun.
Accused Sonu produced from JC.

Today the matter is fixed for PE.

On the LDOH, inadvertently summons were issued to Ct. Sanjay and HC Vijender Shukla, however, they had already been dropped from the prosecution list of witnesses by the State on 22.03.2024.

It is submitted by the Ld. Addl. PP for the State that there is one application moved by the IO u/s 311 Cr.PC dated 05.06.2024, and the said application is still pending adjudication and the State does not wish to press the said application and wants to file another application, incorporating other witnesses, which had not been mentioned in the said application.

The application stands dismissed as not pressed.

The Ld. Addl. PP for the State has moved an application u/s 348 of BNSS, 2023, seeking recalling of HC Vijender Shukla, who was dropped upon the submissions of the then Ld. Addl. PP for the State on 22.03.2024. Furthermore, vide the said application, the Ld. Addl. PP for the State is also seeking calling of (1) Dr. Saikat Jana, SR Ortho, who

had given the opinion as to the nature of injury on MLC Ex. PW1/A; (2) Dr. Rahul, CMO, who had prepared the MLC Ex. PW1/A of the patient Manish Chauhan and MLC of injured Kiran Pal; Dr. Jitender Bansal, SR, Lok Nayak Hospital, who had prepared the X-ray report qua injured Manish Chauhan and Kiran Pal and; (4) Dr. Avani, SR ENT, who had given the opinion as to the nature of injury upon the MLC of injured Kiran Pal and; (5) the Ld. MM, who had conducted the TIP proceedings in the present case, on the ground that the said documents were duly filed alongwith the chargesheet and their testimony are essential to the case of the prosecution.

Issue notice of the present application to the accused persons. Copy of the present application is supplied the Ld. Counsel for accused persons.

Let fresh summons be issued to PW ASI Subhash Singh, no. 261/NE and PIS no. 29102271, mentioned in the supplementary chargesheet through IO/ SHO concerned for the next date of hearing.

Now to come up for consideration of the application filed u/s 348 BNSS, 2023 and for PE on **28.01.2025**.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/17.12.2024