

**SC No.200/2019
& I. A. No.01/2023
State
Vs.
GAURAV
FIR No.: 139/17
PS SEEMAPURI**

11.12.2023

Present: Sh. Virender Singh, Ld. Addl. PP for the State.
Accused is present with Ld. Counsel, Sh. Vivek.
IO SI Monu Chauhan in person.
No PW is present today.

Ld. Counsel for accused/ applicant submits that he an application U/s 311 Cr.PC for recalling of PW3 Vikas is also listed for today. He requests for recalling PW3 Vikas stating that on the date of his examination, he was not available before the Court as he was suffering from conjunctivitis.

Ld. Counsel for accused submits that PW3 Sh. Vikas is the main eye witness and his cross-examination is necessary for proper adjudication of the present case.

Ld. Addl. PP for State submits that he has no objection, if PW3 Sh. Vikas is recalled for his cross-examination only subject to availability of the witness.

Submissions heard. Record perused.

In the considered opinion of this Court, the cross-examination of PW3 Vikas is necessary for the just decision of the present case, accordingly, in the larger interest of justice, the present application U/s 311 Cr.PC moved on behalf of accused is allowed, subject to availability of the witness. Further, a cost of Rs.1,000/- is also imposed upon the accused to be paid to the witness on NDOH.

It is also clarified that only one opportunity shall be accorded to the accused/ his counsel for cross-examination of the said witness. Issue summons to PW Vikas for NDOH.

Report on summons sent to PW Sahbaz received back with a report that his friend has informed that PW Sahbaz has expired. However, neither death certificate nor any death verification report is annexed with the summons.

Issue fresh summons to PW Sahbaz through IO/ SHO as well as DCP concerned for NDOH.

Put up for PE on **20.12.2023**. Date given at request of Ld. Counsel.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/11.12.2023