

SC 78/2018
State Vs. Anmol Jeet Singh & Anr.
FIR No.129/2013
Under Sections 186/353/307/307/34 IPC
and 3/18/146/196 MV Act
PS Tilak Marg

22.11.2024

Present: Sh. S.K. Kain, Ld. Addl. PP for the State.
Accused Palinder Singh (on bail) has joined the court proceedings through VC.
Accused Anmol Jeet Singh is present on bail.
Sh. Neeraj Gupta, Sh. Bharat Sharma and Sh. Abhishek Bharti, Ld. Counsels for both the accused persons.
IO Inspector Mahinder Singh in person.

1. PW-10 SI Rajender Kumar has come present for his cross-examination. He is cross-examined and discharged.
2. No other PW is present.
3. All the witnesses, as cited in the list of PWs, have been examined.
4. At this stage, Ld. Addl. PP for the State has moved an application under Section 311 CrPC for seeking directions to summon ACP Sh. Dharendra P. Singh for his examination for proving his complaint under Section 195 CrPC.
5. Its copy is supplied to the Ld. Counsels for both the accused persons. They submit that they do not want to file any reply to the said application and shall directly address arguments on it.
6. Arguments on the present application are heard. Case file is carefully perused.
7. Ld. Addl. PP for the State submits that the said

witness is a vital witness who had given complaint under Section 195 CrPC. However, his name could not be cited in the list of prosecution witnesses due to oversight and inadvertence on account of the IO. He submits that his examination is necessary for just decision of this case and no prejudice would be caused to the accused persons, if he is examined. With these submissions, he has sought one opportunity for his examination.

8. On the other hand, Ld. Counsels for the accused persons have opposed the present application stating that this a delaying tactics and to cover up the lacunae that was left in prosecution case. They submit that the said omission was in the knowledge of the prosecution from the very inception and particularly, during the testimony of PW-8. They submit that grave prejudice would be caused to the accused persons, if the said witness is summoned at this delayed and last stage. They have accordingly sought its dismissal.

9. Admittedly, the present application has been moved at a belated stage. However, at the same time, the importance of the said witness cannot be undermined. The said complaint under Section 195 CrPC was filed along with the charge-sheet itself and it is not a new document. Therefore, the accused persons cannot claim that they have been suddenly caught unaware with the later introduction of the said complaint. The omission to include the name of the said witness apparently seems to be a *bona fide* case of oversight or inadvertence. The prosecution evidence has not yet concluded. Therefore, no prejudice is likely to be caused to the accused persons, if the said application is allowed as they would get ample opportunity for cross-examination of the said

witness to impeach his credibility. In view of the above facts and circumstances and for the just decision of the case, I deem it appropriate that the present application be allowed and the said witness be summoned for the next date of hearing for his examination as a prosecution witness. Accordingly, ordered.

10. Put up for PE **07.02.2025**.

11. IO and MHC(M) along with the case property be also summoned for the said date.

(Dheeraj Mor)
ASJ-06/NDD/PHC
New Delhi:22.11.2024