



\$~1 to 5.

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

+ **CRL.A. 713/2017 and CRL.M.(BAIL) 1323/2017**

ASHWINI AGGARWAL

..... Appellant

Through: Mr. Sidharth Luthra, Senior Advocate
along with Mr. Anoopam Prasad &
Ms. Shivani Luthra Lohiya,
Advocates.

versus

THE STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI
Arun Kumar, PS-Tilak Nagar, for the
State.
Ms. Aishwarya Rao, Advocate
(DHCLSC) for the complainant.

+ **CRL.A. 719/2017**

SHIV KUMAR

..... Appellant

Through: Ms. Geeta Luthra, Senior Advocate
along with Ms. Shivani Luthra Lohiya
& Ms. Parul Sharma, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI
Arun Kumar, PS-Tilak Nagar, for the
State.
Ms. Aishwarya Rao, Advocate
(DHCLSC) for the complainant.

+ **CRL.A. 721/2017**

LAKHVINDER SINGH @ BITTU

..... Appellant

Through: Ms. Geeta Luthra, Senior Advocate
along with Ms. Shivani Luthra Lohiya
& Ms. Parul Sharma, Advocates.



versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI Arun Kumar, PS-Tilak Nagar, for the State.

Ms. Aishwarya Rao, Advocate (DHCLSC) for the complainant.

+ **CRL.A. 722/2017**

KIRAN AGGARWAL & ANR

..... Appellants

Through: Ms. Geeta Luthra, Senior Advocate along with Ms. Shivani Luthra Lohiya & Ms. Parul Sharma, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI Arun Kumar, PS-Tilak Nagar, for the State.

Ms. Aishwarya Rao, Advocate (DHCLSC) for the complainant.

+ **CRL.A. 725/2017**

RAJEEV GUPTA & ORS

..... Appellants

Through: Ms. Geeta Luthra, Senior Advocate along with Ms. Shivani Luthra Lohiya & Ms. Parul Sharma, Advocates.

versus

THE STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI Arun Kumar, PS-Tilak Nagar, for the State.

Ms. Aishwarya Rao, Advocate (DHCLSC) for the complainant.



CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

14.11.2017

Crl.M.B. No. 1330/2017 and Crl.M.A. Nos. 16109-16110/2017

Copy of the applications along with documents be supplied to Mr.Katyal during the course of the day.

List the application seeking interim suspension on medical grounds on 27.11.2017.

Crl.M.B. Nos. 1332/2017, 1340/2017, 1335/2017 & 1336/2017

List these applications seeking suspension of sentence for hearing on 27.11.2017.

Crl.M.A. Nos. 11575/2017, 11620/2017, 11628/2017, 11632/2017 & 11685/2017

The aforesaid are applications preferred by the respective appellants under Section 391 read with Section 482 Cr.P.C. to seek permission to lead additional evidence. All the applications have been filed to seek permission to lead in evidence the following documents:

- “a. Certified copies of the statements of the Applicant, his brother and co-accused Mamta Aggarwal, Kiran Aggarwal, Shiv Kumar and Rajeev in F.I.R. No. 127/2005, P.S. Qadiyan, Punjab.*
- b. Certified copy of statement of Baba Satinder Kumar alias Baba Satendernand Patwari under Section 313, Criminal Procuedure Code, 1973 in the F.I.R. 192/2009, PS Nawa Shahar, Punjab.*
- c. Certified copy of order dated 24.09.2013 passed by the*



Hon'ble High Court of Punjab and Haryana in the case of Neha Monga v. State of Haryana.

- d. Copy of the RTI filed by Pankul Aggarwal son of Sh. Ashok Kumar, resident of Diamond Colony, in front of Jahaj Wali Kothi, Batala, Tehsil Batala, District Gurdaspur dated 16/06/2017.*
- e. Certified copy of the arrest warrant of Baba Satindernand Patwari in F.I.R. 192/2009, PS Nawa Shahar, Punjab.*
- f. Certified copy of the statement of the SHO, PS Nawa Shahar in F.I.R. 192/2009, PS Nawa Shahar, Punjab dated 08.12.2009 whereby the Prosecutrix was found residing with the Baba Satindernand Patwari.*
- g. Certified copy of the statement of the mother of the Prosecutrix, co-accused Praveen Monga and her uncle in the F.I.R. 192 of 2009 whereby the Prosecutrix was arrested with Baba Satindernand Patwari.”*

We have heard learned senior counsel for the appellants as well as Mr. Katyal, learned APP and the learned counsel for the prosecutrix.

It is agreed that these applications may be allowed subject to terms. Accordingly, the applications are allowed. The appellants are permitted to lead additional evidence in respect of the aforesaid documents. For that purpose, it shall be open to the appellants to record statements under Section 315 Cr.P.C. and to summon the relevant record from the concerned sources/ authorities. It goes without saying that the witnesses produced shall be available for cross-examination. The aforesaid exercise shall be completed positively within three months. The appellants shall not take any undue adjournment and the Trial Court shall also not grant any adjournment unjustifiably.



The Trial Court Record be sent back through Special Messenger for recording additional evidence forthwith.

List the matters before the Trial Court on 23.11.2017.

Crl.M.B. Nos.1323/2017, 1331/2017 & 1334/2017

Learned counsel for the appellants have stated that so far as the male convicts are concerned, they shall not press for regular suspension of sentence till the additional evidence is over, except in the case of the appellant/ applicant in Crl.M.B. No. 1330/2017 on medical grounds.

VIPIN SANGHI, J

P.S.TEJI, J

NOVEMBER 14, 2017

B.S. Rohella