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

+ CRL.A. 713/2017

ASHWINI AGGARWAL

..... Appellant

Through: Ms. Geeta Luthra, Sr. Advocate with
Ms. Shivani Luthra Lohiya, Advocate

versus

THE STATE

..... Respondent

Through: Mr. Rajat Katyal, APP with SI Sunil
Chandra, PS Tilak Nagar
Ms. Aishwarya Rao for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

23.01.2018

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Crl. M.A. No. 1225/2018

Issue notice. Mr. Katyal accepts notice on behalf of the State. Ms. Rao accepts notice on behalf of the Complainant.

By this application, the appellant seeks clarification of the order dated 14.11.2017. The application has been moved in the background that on 14.11.2017, this court, by a common order, allowed several applications moved by the appellant and other co-convicts/ appellant u/s 391 Cr PC to lead additional evidence. Pertinently, the application of the appellant i.e.



Crl. M.A. No. 11575/2017 had also been allowed by the said order. However, the Trial Court while dealing with the case on 04.01.2018 has passed the order that the appellant/ applicant/ convict Ashwini Aggarwal has already been examined as DW-1 and there are no directions of this court in the order dated 14.11.2017 to re-examine him.

In our view, the order dated 14.11.2017 is absolutely clear. The order dated 14.11.2017 specifically states that *“For that purpose, it shall be open to the appellant to record statements under Section 315 Cr PC and to summon the relevant record from the concerned sources/ authorities”*.

The Trial Court is, therefore, directed to ensure compliance of the said order passed by the court. Thus, the appellant is permitted to be further examined under Section 315 Cr PC.

Order Dasti under the signatures of the Court Master.

VIPIN SANGHI, J

P.S.TEJI, J

JANUARY 23, 2018

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