

(2011) 12 DEL CK 0422

In the Delhi High Court

Case No : Criminal M.C. No. 3998 of 2011

Baljeet Singh @ Bobby

APPELLANT

Vs

State of Delhi

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 313

Citation : (2011) 12 DEL CK 0422

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Vinod Malhotra and Mr. Nikhil Malhotra, for the Appellant; Rajdipa Behura, APP for State with Wasi R. Yadav, Police Station Tilak Nagar in Person, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.—Notice issued.

2. Learned APP accepts notice on behalf of the State.

3. With the consent of learned counsel for parties, matter is taken up for disposal.

4. Vide the instant petition, the petitioner has challenged the impugned order dated 15.11.2011 whereby the defence evidence of the petitioner has been closed.

5. Learned counsel for the petitioner submits that the petitioner was unwell; therefore, he moved an exemption application which was allowed. Though, the name of the witnesses has already been mentioned in the statement u/s 313 Cr.P.C., however, the list of the witnesses could not be filed.

6. He further submits that the Trial Court has not even afforded one opportunity to do the same and vide impugned order dated 15.11.2011, the right to examine defence witness has been closed.

7. In the circumstances and, in the interest of justice, the impugned order dated 15.11.2011 is set aside and learned Trial Court is directed to give an opportunity to the petitioner to bring defence evidence, if any.

8. The petitioner is also directed to file the list of witnesses on the date fixed i.e. 09.12.2011, thereafter shall examine them, as per the directions of learned Trial Court, in accordance with law.

9. Accordingly, Criminal M.C.No. 3998/2011 is allowed and stands disposed of.

10. Dasti.