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

Date of Decision: 30th June, 2015

+ CRL.M.C. 2568/2015 & Crl. M.A.Nos.9139-40/2015

AGNESH VERMA Petitioner

Through: Mr. Ashwin Vaish & Mr. Vinod
Kumar Dubey, Advocates

versus

STATE Respondent

Through: Mr. Amit Ahlwat, Additional
Public Prosecutor for State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Petitioner is facing trial in FIR No.42/2002, under Sections 409/420/468/471 r/w Section 120-B of the IPC and Section 13 (2) of *The Prevention of Corruption Act, 1988* r/w Section 120 B of the IPC and his application for recall of Sanctioning Authority stands dismissed vide impugned order of 30th May, 2015 while noting that lawyers on strike is not a ground to permit recalling of witness.

Learned counsel for petitioner submits that certainly lawyers being on strike is not a ground to defer the proceedings but petitioner cannot be treated differently qua the Sanctioning Authority, when the trial court has discharged other witnesses without examining them due to lawyers'

strike. In this regard, attention of this Court is drawn to the trial court's order of 17th April, 23rd April, 30th April and 8th May of 2015. It is submitted that cross-examination of Sanctioning Authority (PW-43) is essential, as it is required to be put as to how sanction for prosecution for the offence of forgery etc. has been given without FSL report being placed before the Sanctioning Authority and on other vital aspects.

This petition is opposed by learned Additional Public Prosecutor for respondent-State who submits that this is an old case and the impugned order is well merited.

Upon hearing and on perusal of impugned order and the various order sheets, as referred to above, I find that no premium can be placed on strike by professionals but petitioner cannot be discriminated by calling upon him to cross-examine the Sanctioning Authority and infact, cross-examination of Sanctioning Authority (PW-43) by petitioner appears to be quite cryptic. In the considered opinion of this Court, the cross-examination of Sanctioning Authority (PW-43) by petitioner's counsel is essential for just decision of this case.

Consequently, this petition is allowed and impugned order of 30th May, 2015 is quashed and it is directed that one effective opportunity be granted to petitioner to cross-examine Sanctioning Authority (PW-43).

With aforesaid directions, this petition and applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JUNE 30, 2015

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