

Deepak Tandon Vs. State

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Court : Delhi

Decided On : Jan-12-1994

Reported in : 53(1994)DLT312

Judge : Jaspal Singh, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 311

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 2318 of 1993

Appellant : Deepak Tandon

Respondent : State

Advocate for Pet/Ap. : K.K. Sud and; R.D. Jolly, Advs

Judgement :

Jaspal Singh, J.

(1) The petitioner moved an application under section 311 of the Code of Criminal Procedure for recalling two witnesses. It was claimed that a settlement had been arrived at and a deed of compromise had been executed but since the same was not traceable it could not be put to the witnesses concerned. The learned Trial Judge dismissed the application persuaded by the fact that the trial had been lingering on for the last number of years and it was felt that in any case the document in question was not that material.

(2) Unfortunately, it is true that the trial has been lingering on since long and for that the petitioner too is to be blamed for. However, the fact remains that the petitioner wants the witnesses in question to be confronted with a document which appears to be quite material to the defense set up by him. I feel that mere probability of further delay in the disposal of the matter should not come in the way of something material being brought on the record, for refusal to do so would not serve but would rather subvert the interests of justice. In the circumstances, the petition is allowed and the impugned order is set aside.

(3) I have been assured by Mr. K.K. Sud, appearing for the petitioner that as far as the petitioner is concerned no adjournment would be sought and the witnesses in question would be cross-examined without loss of time. With the hope that this assurance would be adhered to, I direct the learned Trial Judge to see to it that the witnesses are cross-examined as early as possible.

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