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

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Date of Decision: 04.02.2026

+ **CRL.M.C. 939/2026, CRL.M.A. 3729/2026, 3730/2026 & 3728/2026**

SHRI DHANRAJ

.....Petitioner

Through: Mr. Vikram Dua, Advocate

versus

STATE NCT OF DELHI THROUGH SHO PS SAGAR PUR, DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Nitesh Mahiya, PS Sagarpur

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner seeks setting aside of order dated 23.01.2026, whereby at the stage of judgment, invoking the jurisdiction under Section 311 CrPC, the learned trial court summoned two doctors to appear and depose. The learned trial judge, in the impugned order, observed that those two doctors named at Serial No. 13 and 15 of the list of prosecution witnesses had not been summoned, despite it being the case for offence under Section 308/323 IPC. Further, in the impugned order itself, the learned trial court elaborately described that initially, steps were repeatedly taken to summon those doctors but subsequently, it appears that their testimonies could not be recorded. The



learned trial court in the impugned order has placed reliance on the relevant judicial precedent of the Hon'ble Supreme Court.

2. Learned APP for State accepts notice.
3. After some discussion, learned counsel for petitioner and learned prosecutor submit that this petition can be disposed of with consent that the learned trial court may examine the witnesses summoned through the impugned order, but thereafter, as a matter of fairness, the petitioner also be granted opportunity to summon any witness in his defence.
4. Accordingly, the petition stands disposed of, with consent in above terms. Pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 04, 2026/as