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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010176232024
+ **CRL.M.C. 2722/2024**
GAURAV JAIN Petitioner

Through: Mr. Vishwendra Verma, Ms. Shivali,
and Mr. Abhishek Nagar, Advocates.

versus

STATE NCT OF DELHI AND ANR. Respondent
Through: Mr. Sunil Kumar Gautam, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.08.2026**

CRL.M.C. 2722/2024 & CRL.M.A. 26374/2026 (for early hearing)

1. The next date in the matter is 07.01.2027 and the applicant seeks early hearing.
2. Learned counsel for respondent No.2 has joined the proceedings through *video-conferencing* and learned APP for the State is also present.
3. For the reasons assigned in the application and with the consent of the parties, the date is preponed and the matter is taken up today itself.
4. The present application i.e. CRL.M.A. 26374/2026 stands disposed of in aforesaid terms.
5. The next fixed date i.e. 07.01.2027 stands cancelled.
6. The point involved in the present petition is a very short one.
7. The petitioner herein is facing trial for commission of offence under Section 376 IPC. Said penal section was added subsequently when the charge was amended.
8. Feeling aggrieved by the abovesaid amended charge, a Revision Petition was filed before this Court which was, however, dismissed as

CRL.M.C. 2722/2024

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withdrawn on 05.09.2023 with liberty to the petitioner to raise all contentions before the learned Trial Court.

9. The concerned prosecutrix has already been examined and the case is already at the stage of final arguments.

10. Fact, however, remains that both the sides i.e. accused (petitioner herein) and prosecutrix had filed separate applications before the learned Trial Court seeking re-calling of prosecutrix for her re-examination.

11. Learned counsel for the petitioner/accused submits that in the application filed by the prosecutrix herself under Section 311 Cr.P.C., she had claimed that she was under fear and pressure of the police and had made her earlier deposition before the Court while reeling under great confusion on account of wrong advice of the counsel engaged by her late father and, therefore, she could not narrate the actual facts before the Court. It was in the abovesaid backdrop that she had sought permission for her re-calling. Indubitably, the abovesaid application filed by the prosecutrix was not pressed and was, eventually, dismissed as withdrawn as would be evident from order dated 12.12.2023 passed by the learned Sessions Court.

12. Fact, however, remains that though the prosecutrix had withdrawn her application, the accused had also moved application seeking similar prayer and his such application has, however, been dismissed which has given rise to the present petition.

13. Learned APP for the State submits that there is some kind of tacit understanding between the accused and prosecutrix who are closely related to each other and since the prosecutrix has already been examined, the Court should not grant any opportunity to her to re-enter into witness box.

14. Learned counsel for respondent No.2, submits that as per the



instructions, the prosecutrix is also very much willing to enter into witness box again and to narrate the true and correct facts.

15. The Court is conscious of the fact that the case is already at the stage of final arguments but since the prosecutrix claims that her previous deposition was based on some wrong advice and since she wants to narrate the true facts, it will be in the fitness of things, if she is permitted to enter into witness box.

16. Learned Trial Court would, accordingly, fix up a date for her such cross-examination, after ascertaining her availability. It is, however, made clear that only one opportunity would be given to her to enter into witness box and to the petitioner to cross-examine, as the case is already at the stage of final arguments.

17. The present petition stands disposed of in aforesaid terms.

18. A copy of this order be sent to the learned Trial Court for information and compliance.

MANOJ JAIN, J

AUGUST 25, 2026/ss/sk