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

+ CRL.M.C. 3462/2017 & Crl. M.A. no. 14129/2017 (stay)

SHRI KHURSHID ALAM Petitioner
Through Mr. J.H. Jafri, Adv.

versus

STATE Respondent
Through Ms. Meenakshi Dahiya, APP with SI
Vinita Kaushik, P.S. Sadar Bazar

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **30.10.2017**

By this petition under Section 482 Cr.P.C., petitioner has prayed for setting aside the order dated 12th January, 2017 passed by the Special Judge (POCSO Act), Central District, Tis Hazari Courts, Delhi. Petitioner filed an application under Section 311 Cr.P.C. before the trial court for recalling of PW1 and PW2. PW2 is a minor child. PW1 is her mother. Trial court has noted that PW1 and PW2 were duly cross-examined by the counsel representing the petitioner. Cross-examination of PW1 runs into five pages; whereas cross-examination of PW2 runs into four pages. PW1 and PW2 were cross-examined exhaustively. Veracity of witnesses could have been tested during the cross-examination. No cogent reason was there to recall

PW1 and PW2. I do not find the view taken by the trial court to be perverse. PW1 was cross-examined on 7th August, 2014; whereas PW2 was cross-examined on 24th November, 2015. Application for recalling these witnesses was filed on 7th January, 2017 after the new counsel was engaged by the petitioner. Mere change of the counsel itself is not a sufficient ground to recall the witnesses.

Accordingly, petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

OCTOBER 30, 2017
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