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

+ CRL.M.C. 3552/2017

RAJ VIKKRAM LAL

..... Petitioner

Through: Mr. R.K. Tarun and Mr. Rohit
Shukla, Advs.

versus

STATE

..... Respondent

Through: Mr. Amit Gupta, APP for State with
W/SI Usha Rani, P.S. Mandir Marg.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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10.11.2017

Prosecutrix was examined as PW1 on 9th January, 2017. Her cross-examination was deferred for 9th February, 2017. On 9th February, 2017, PW1 was cross-examined by the counsel for the petitioner for more than one hour. Trial court has noted that material questions were not put to the witness relating to the facts of the case. Counsel for the petitioner also sought adjournment on the ground that accused was not present and he had to take instructions from him. However, request was declined as trial court was of the view that petitioner's counsel was intentionally dragging on the matter. Consequently, cross-examination was closed.

I have perused the cross-examination conducted by the counsel for the petitioner and find that most of the questions put are irrelevant to the lis.

Petitioner has now engaged a new counsel. Learned counsel for the petitioner assures that only questions relevant to the lis would be put to PW1. He seeks only one opportunity to cross-examine the PW1. Accordingly, in the interest of justice, impugned order dated 4th July, 2017 to the extent it closes the petitioner's opportunity to cross-examine the PW1, is set aside and petitioner is afforded only one opportunity to cross-examination the PW1 on the date to be fixed by the trial court, subject to costs of ₹25,000/- to be paid by the petitioner to PW1.

Petition is disposed of in the above terms.

Copy of the order be given Dasti to the counsel for the petitioner under the signatures of Court Master.

A.K. PATHAK, J.

NOVEMBER 10, 2017

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