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

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Judgment delivered on:25.09.2018

+ CRL.REV.P. 832/2018

DEEPAK KUMAR

..... Petitioner

versus

GOVT OF NCT OF DELHI

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner : Mr. Puneet Goel, Advocate.

For the Respondents : Ms. Neelam Sharma, APP for the  
State.  
SI Sonu Siwach, PS Sarai Rohilla.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**25.09.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

**Crl.M.A.32909/2018 (exemption)**

Exemption is allowed subject to all just exceptions.

**CRL.REV.P. 832/2018 & Crl.M.A.32908/2018 (stay)**

1. The petitioner impugns orders dated 06.08.2018 and 05.09.2018, wherein, the Trial Court has recorded the testimony of the prosecution witnesses Pratima and Nand Lal respectively and thereafter discharged them.

2. Learned counsel for the petitioner submits that sufficient opportunity was not given to the counsel for the defence to be ready for the cross-examination of the said witnesses.

3. Learned counsel for the petitioner has taken me through the record, *inter alia* the orders dated 16.10.2017, 30.11.2017, 23.12.2017, 08.02.2018, 15.03.2018, 12.04.2018, 10.05.2018, 30.05.2018 and 06.08.2018, which, *inter alia*, show that the matter was being adjourned from time to time for examination and cross-examination of Nand Lal and the same was being deferred for want of the FSL report. Orders dated 12.04.2018, 10.05.2018 and 30.05.2018 further show that the matter was adjourned for securing the presence of PW12 Pratima.

4. Perusal of order dated 06.08.2018 shows that PW12 Pratima was present in Court, examined and discharged.

5. Learned counsel for the petitioner submits that the said witness was examined and discharged and no opportunity was granted to the petitioner to cross-examine the said witness as at that time when the testimony was recorded only a proxy counsel was present, who sought for Passover or an adjournment to cross-examine PW12 Pratima but the opportunity was not granted.

6. Further with regard to PW Nand Lal, it is pointed out that on 05.09.2018, the FSL report was produced by the Investigating Officer

for the first time and on the same date the witness was examined and discharged.

7. Learned counsel for the petitioner submits that along with the FSL report, a CD of transcript of social media chats, videos and other evidence was produced and tendered in evidence and sufficient opportunity was not granted to the petitioner to examine the same and be ready for his cross-examination. Learned counsel for the petitioner submits that now he has received the CD and is ready for cross-examination.

8. On perusal of the record, I am satisfied that the petitioner was not afforded sufficient opportunity to cross-examine the said witnesses and an opportunity needs to be granted.

9. Accordingly, the Trial Court is directed to re-summon PW12 Pratima and PW Nand Lal for the purpose of giving an opportunity to the petitioner to cross-examine the said witnesses.

10. The petition is, allowed in the above terms.

11. Order *Dasti* under signatures of the Court Master.

**SEPTEMBER 25, 2018**  
**st**

**SANJEEV SACHDEVA, J**