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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 243/2023**
RAJENDER GOYAL

..... Petitioner

Through: Mr. Parvinder Chawla, Advocate.

versus

STATE

..... Respondent

Through: Mr. Aashneet Singh, APP for State.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
27.03.2024

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1. By way of present petition filed under Section 482 Cr.PC., the petitioner seek quashing of orders dated 27.11.2021 and 12.05.2022 passed by the learned MM-01 (West), Tis Hazari Courts, Delhi in Case No.70109/2016 titled 'State vs Rajinder Goel' arising out of FIR No.910/2005 registered under Section 408/420/468/471 IPC at P.S. Punjabi Bagh, Delhi.

2. Learned counsel for the petitioner submits that vide order dated 27.11.2021, his right to further cross-examine PW-1 was closed by the learned trial court. He states that PW-1 had appeared on the said date and was also examined-in-chief by the prosecution and was also partly cross-examined. However, due to non-availability of the main counsel, the further cross examination was deferred to post-lunch session, however, she could not be further cross-examined. He further states vide order dated 12.05.2022, an application under Section 311 of Cr.P.C. seeking recalling of



PW-1 for cross examination was dismissed. It is submitted the petitioner has never delayed the trial and that the entire delay has been caused by the prosecution. Copy of the court records has been placed on record. A perusal of the same shows that the said witness was examined in chief and also partly cross-examined on 27.11.2021.

3. Considering the above, it is the opinion of this Court that denial of further cross-examination of the witness will prejudice the petitioner. Accordingly, the petition is allowed, however, subject to payment of cost of Rs.5,000/- to be paid by the petitioner to Delhi Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within a period of 2 weeks. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

4. The Investigating Officer shall ensure that the aforesaid witness is present on the next date. Learned counsel for the petitioner assures that the cross-examination of the said witness would be carried out on the said date. He further assures that no adjournment would be sought on behalf of the petitioner.

5. The petition is disposed of in above terms.

MANOJ KUMAR OHRI, J

MARCH 27, 2024

VLD