



\$~37

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.REV.P. 167/2024, CRL.M.A. 3576/2024 (Stay) & CRL.M.A.  
5039/2024 (Early date of hearing)

B S R

..... Petitioner

Through: Petitioner in person.

versus

P S R

..... Respondent

Through: Counsel (appearance not given).

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

%

**02.04.2024**

1. The present petition under Section 397/482 of the Cr.P.C. seeks the following prayers: -

“(a) allow the present petition and demark ‘Mark A’ and expunge the court observation in cross examination dated 19.01.2024 made in MT/247/2021;  
(b) Any other order or relief.”

2. The petitioner, who appears in person, *vide* order dated 05.02.2024 has given a statement that he is not pressing prayer (a) with respect to demarking of ‘Mark A’.

3. During the cross-examination of the petitioner on 19.01.2024, the learned Trial Court made the following observation:

“.... Que: I put it you, why you have suspended your BCD licence?

I have given the reason in paragraph no. 14 of my evidence affidavit. I do not remember whether I gave the said reason in my letter to BCD. It is correct that my letter to BCD is Ex. RW1/7 (**Court observation:- witness**



**is deliberately deposing falsely in order to conceal the true facts).....”**

4. Learned counsel enters appearance on behalf of the respondent and submits that the observation made by the learned Trial Court during the cross-examination of the petitioner does not suffer from any infirmity inasmuch as the petitioner tried to give vague answer with respect to the documents in question.

5. Be that as it may, the observation with regard to witness deposing falsely amounts to prejudging the facts at hand. The learned Trial Court is always at liberty to record the demeanour of the witness with respect to the documents being confronted to him and the stand of the witness with respect to the same for the final determination of the issues.

6. In view of the above, the impugned observation made by the learned Trial Court during the cross-examination of the petitioner on 19.01.2024 is set aside.

7. The petition is partly allowed and disposed of accordingly.

8. Pending application(s), if any, also stand disposed of.

**AMIT SHARMA, J**

**APRIL 02, 2024/bsr**

*Click here to check corrigendum, if any*