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

+ **CRL.M.C. 1329/2024**

JAMAL @ RANJHA (IN JC)

..... Petitioner

Through: Mr. Akshay Bhandari, Mr. Anmol Sachdeva and Ms. Megha S.,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.
DCP Anand Kumar Mishra and Insp.
Abhijit Kumar, ATO/PS Seelampur.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.02.2024

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1. The present petition under Article 227 of the Constitution of India read with Section 482 of the CrPC seeks following prayers:-

“IN THE ABOVE MENTION FACTS AND CIRCUMSTANCES, THIS HON'BLE COURT MAY BE PLEASED TO:

- a. Set aside the impugned order dated 07.02.2024 passed in FIRNo.351/2013 P.S Seelampur U/s 3(2), 3(5) of MCOCA vide which the right to the petitioner to cross-examination the witness PW-70 namely, Sh. Anand Kumar Mishra was closed by the Ld. Trial Court.
- b. Direct the Ld. Trial Court to allow the petitioner to put the questions that were disallowed by the Ld. Trial Court as enumerated In Para 9 of the Petition.
- c. Pass any other order this Hon'ble Court deems fit.”

2. Learned counsel appearing on behalf of the petitioner submits that one last and final opportunity may be given to cross-examine PW-70, namely, Anand Kumar Mishra on certain questions which are vital for the defence of the present petitioner. It is submitted that the said questions will only be



restricted to the requirements of Sections 2(d) and 2(e) of the Maharashtra Control of Organised Crime Act (MCOCA).

3. In the interest of justice, one final opportunity may be given to the petitioner to cross-examine PW-70, namely, Anand Kumar Mishra.

4. It is made clear that the learned counsel for the petitioner shall restrict his questions in the cross-examination to the relevancy of the material on record. It is further clarified that cross-examination shall be done by learned counsel for the petitioner in question/answer format and shall be recorded by the learned Trial Court.

5. Order dated 07.02.2024 is hereby set aside.

6. Learned Trial Court may fix a date and time for cross-examination of PW-70 as per the convenience of the parties. No further opportunity shall be granted to the petitioner to cross-examine the said witness.

7. In view of the above, the present petition is partly allowed and disposed of accordingly.

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

9. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 29, 2024/sn