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

+ CRL.M.C. 1735/2023, CRL.M.A. 6758/2023

ASWANI SINGH

..... Petitioner

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva and Mr. Aashish Arya, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Nawal Kishore Jha, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.03.2024

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1. By way of present petition filed under Section 482 Cr.PC., the petitioner seeks quashing of order dated 11.01.2023 passed by the learned ASJ, Dwarka Courts, Delhi in SC No.467/2020 titled “State vs Ashwani” arising out of FIR No.248/2020 registered under Section 376 IPC at P.S. Bindapur, New Delhi.

2. Mr. Chaudhary, learned counsel for the petitioner states that in trial, the prosecutrix appeared for the first time on 19.10.2022 when she was examined and on which date, her cross-examination was also carried out by the associate counsel. He states that though an opportunity was sought to further cross-examine the prosecutrix, the same was denied and in this regard, an application filed under Section 311 Cr.P.C. also came to be dismissed vide the impugned order. He submits that this is not a case where the petitioner has repeatedly cross-examined the prosecutrix or delayed the trial. He states that in the limited cross-examination, all the material contradictions could not be put to the prosecutrix. He further undertakes that



in case further cross-examination is permitted, the same would be carried out in two sessions.

3. Learned APP for State duly assisted by learned counsel for complainant states that the same would delay the trial and further that all the necessary questions have already been put to the prosecutrix.

4. Considering that the case pertains to offence relating to Section 376(2)(n) IPC and it is not the case of the prosecution that the petitioner has delayed the trial, the petition is allowed and the petitioner is granted the right to further cross-examine the prosecutrix, subject to payment of cost of Rs.10,000 to be deposited with the Delhi State Legal Services Authority within a period of four weeks from today. 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.

5. The trial court will summon the prosecutrix, on which date the cross-examination will be completed. The learned trial court shall ensure that the prosecutrix is summoned after the holy month of *Ramzan*. The trial court shall also ensure that sufficient time and opportunity is given to the petitioner for the aforesaid aspect.

6. The petition stands disposed of.

MANOJ KUMAR OHRI, J

MARCH 28, 2024
VLD