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

+ **CRL.M.C. 1786/2022**

SANJAY KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia and Mr.
Maneesh Kumar, Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Aman Usman, APP for the State.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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02.05.2025

CRL.M.A. 25762/2024

1. This application under Section 528 of B.N.S.S., 2023 has been filed on behalf of the Petitioner seeking modification of the Order dated 14.08.2024 passed by this Court.
2. Vide Order dated 14.08.2024, this Court in Paragraph No.5 of the said Order has observed as under:

“5. This Court is inclined to accept the suggestion given by Mr. Amit Chadha, learned Counsel appearing for Respondent No.2. The accused is permitted to lead defence evidence, subject to the payment of costs of Rs.20,000/- to be deposited with the “Armed Forces Battle Casualties Welfare Fund”.

3. It is stated by the learned Counsel for the Petitioner that the aforesaid Order was passed without taking into account another Order passed by this



Court on the very same day in a similar matter i.e., CRL.M.C. 1657/2022 wherein this Court permitted the Petitioner/Accused to lead defence evidence and also to cross-examine the AR of the Complainant. Paragraph No.5 of the Order dated 14.08.2024 passed in CRL.M.C. 1657/2022 reads as under:

“5. In view of the fact that the Petitioner was in custody himself, this Court is inclined to grant one final opportunity and permit the Petitioner to examine the AR of the Complainant on one day and permit defence examination to be led on the other day, so that the examination of the AR and the defence evidence, both be completed within one date. This, of course, is subject to the payment of Rs.5,000/- costs by the Petitioner to be deposited with the Registry of this Court.”

4. This Court is of the opinion that there cannot be any inconsistency in two Orders passed on the very same day in similar matters.
5. In view of the above, the Paragraph No.5 of the Order dated 14.08.2024 in CRL. M.C. 1786/2022 is modified to the extent that the Petitioner/Accused is permitted to lead defence evidence as well as to cross-examine the AR of the Complainant.
6. The application is disposed of.

SUBRAMONIUM PRASAD, J

MAY 2, 2025

S. Zakir