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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3066/2023**

JITENDER KUMAR YADAV

..... Petitioner

Through: Mr. Anil Vyas, Advocate.

Versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Aashneet Singh, APP for State
with SI Jaspreet Pannu, P.S. Nabi
Karim.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
01.04.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks setting aside of the order dated 21.03.2023 passed by learned ASJ, FTSC (POCSO)-02, Central, Tis Hazari Court, Delhi in SC No. 614/2018 arising out of FIR No. 247/2018, vide which petitioner's application under Section 311 Cr.P.C. to recall PW4 for further cross-examination has been dismissed.

2. Learned counsel for the petitioner submits that PW4/*Sudhir Kumar Singh Karki* was working as Receptionist-cum-Manager at the hotel where the offence is alleged to have been committed. He further submits that though the said witness was cross-examined, however, inadvertently certain material questions could not be put to him. He also states that in case the



said witness is not allowed to be further cross-examined, it would be detrimental to the defence put forth by the petitioner. Lastly, it is submitted that in case the present petition is allowed, the petitioner shall not seek an adjournment and the said witness would be cross-examined on the same day, on which he is summoned.

3. Issue notice. Learned APP for the State accepts notice.

4. Learned APP for the State, on the other hand, has opposed the petition. It is submitted that PW4 was cross-examined on 03.03.2020 and 06.04.2020. It is further submitted that the trial is at the state of prosecution evidence.

5. Considering the aforesaid, this Court is of the considered opinion that interest of justice would be met if one opportunity is given to the petitioner to further cross-examine PW4 for one date. Accordingly, the petition is allowed and the Trial Court is directed to summon PW4 only for one day, on which date, he would be cross-examined. Trial Court shall not consider any unjustified request seeking deferment of cross-examination of PW4. The same is however, subject to payment of cost of Rs.10,000/- to be deposited with Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/ psychological support to POCSO victims requiring such assistance.

6. Copy of this order be communicated to the Trial Court for compliance.

7. Copy of this order be also communicated to the Member Secretary, DSLSA for intimation.



8. Petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

APRIL 1, 2024/ga