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

+ **CRL.M.C. 2978/2022 & CRL.M.A. 12538/2022**

SANJAY KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia, Mr. Sachin Kumar and Mohd. Talib Chaoudhary, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
Mr. Amit Chadha, Mr. Kamal Bahl,
Mr. Atin Chadha, Ms. Minisha Chadha, Ms. Aeshana Singh, Mr. Harjas Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.08.2024

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1. The Petitioner has approached this Court challenging the Orders dated 31.01.2018 and 11.03.2020 passed by the Ld. Trial Court whereby the right of the Petitioner to cross examine the AR of the Complainant and to lead defence evidence has been closed.
2. Vide Order dated 31.01.2018, the right of the Petitioner to cross-examine AR of the Complainant stood closed because of the fact that the AR of the Complainant had not been examined by the Petitioner due to repeated opportunities. Vide Order dated 11.03.2020, the right of the Petitioner to lead defence evidence (DE) also stood closed.
3. Learned Counsel for the Petitioner states that the Petitioner/accused was in custody and therefore was not in a position to give proper instructions to his Counsel to examine the AR of the Complainant or get himself examined as defence evidence. Though the record indicates that a number of



opportunities have been given but they have not been availed of by the Petitioner.

4. Mr. Amit Chadha, learned Counsel appearing for Respondent No.2, very fairly suggests that the Impugned Orders may be set aside and the accused may be permitted to lead defence evidence on one date fixed by this Court.

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*”.

6. The Ld. Trial Court is requested to adjust its board and permit the defence evidence being led by the Petitioner on 19.09.2024 itself. It is made clear that no adjournment shall be taken by the Petitioner on any ground whatsoever and the defence evidence shall be concluded in the matter on that date itself i.e., 19.09.2024.

With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 14, 2024
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