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

+ CRL.M.C. 2961/2022 & CRL.M.A. 12511/2022

MANOJ KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia and Mr. Talib,
Advocates.

versus

STATE & ANR.

.....Respondents

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

+ CRL.M.C. 2962/2022 & CRL.M.A. 12513/2022

(93) MANOJ KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia and Mr. Talib,
Advocates.

versus

STATE & ANR.

.....Respondents

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

+ CRL.M.C. 2980/2022 & CRL.M.A. 12542/2022

(94) MANOJ KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia and Mr. Talib,
Advocates.

versus

STATE & ANR.

.....Respondents

CRL.M.C. 2961/2022 etc.

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

+ CRL.M.C. 2982/2022 & CRL.M.A. 12547/2022

(95) SANJAY KUMAR

.....Petitioner

Through: Mr. Chandan Bhatia and Mr. Talib,
Advocates.

versus

STATE & ANR.

.....Respondents

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

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

16.08.2024

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1. The Petitioners have 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 Petitioners 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 Petitioners due to repeated opportunities. Vide Order dated 11.03.2020, the right of the Petitioners to lead defence evidence (DE) also stood closed.



3. Learned Counsel for the Petitioners states that the Petitioners/accused were in custody and therefore were not in a position to give proper instructions to their Counsel to examine the AR of the Complainant or get themselves 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 Petitioners.

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 are permitted to lead defence evidence, subject to the payment of costs of Rs.20,000/- in each petition 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 Petitioners on 19.09.2024 itself. It is made clear that no adjournment shall be taken by the Petitioners on any ground whatsoever and the defence evidence shall be concluded in all the matters on that date itself i.e., 19.09.2024.

7. With these observations, the petitions are disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 16, 2024

S. Zakir