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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 3660/2024**  
**JITEN PUJAPANDA**

.....Petitioner  
Through: Mr. Girish Kumar Sharma, Ms.  
Sushma Sharma, Ms. Aayushi Gaur,  
Mr. R. Sahil, Mr. Dhruv Kumar  
Sharma, Advocates.

versus

**THE STATE NCT OF DELHI**

.....Respondent  
Through: Mr. Satinder Singh Bawa, Ld. APP  
for the State with SI Anju and Insp.  
Surendra P.S. Hauz Khas.

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**03.09.2024**

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1. A Petition under Section 482 Cr.P.C has been filed for quashing of the Order dated 05.10.2023 vide which the Application under Section 311 Cr.P.C filed on behalf of the petitioner/accused for cross-examination of the complainant, has been dismissed.
2. It is submitted in the petition that the learned Counsel on account of her personal difficulty, was not able to appear for cross-examination of PW4, the complainant. It is submitted that her testimony is most vital and an opportunity be granted to the accused/petitioner for cross-examination.
3. **Learned APP for the State** has vehemently opposed the petition on



the ground that despite opportunity been given twice, the cross-examination of the complainant was not done. Thereafter, the Application under Section 311 CR.P.C was filed, but even for that, the counsel failed to appear on two dates. At the time when the impugned Order was made on 05.12.2023, neither the accused nor the counsel had appeared and the Application was decided on the basis of the record. Subsequently, on the same day at 1:12 P.M a proxy counsel had appeared and on her Application, the NBW that were issued, were stayed.

4. It is argued that looking at the conduct of the petitioner and also that it is the case of 2014, the Application has been rightly dismissed.

5. **Submissions heard.**

6. This is a case which was registered vide FIR No.731 in 2014 under Section 354 IPC. The complainant has appeared thrice, and her cross-examination on two days had not been conducted on the sole ground that learned Counsel could not appear.

7. There is no tenable explanation given for not conducting the cross-examination. The date for cross-examination was given on 16.04.2022 subject to cost of Rs.4,000/-, but only a cost of Rs.2,000/- got paid on the next date.

8. Pertinently, as has been pointed out by the learned Prosecutor, the counsel failed to appear even with the Application under Section 311 Cr.P.C was fixed for consideration.

9. Looking at the conduct of the petitioner and also that it is a case under Section 354 IPC of the year 2014 and that the complainant has already appeared on three dates, and no cogent explanation has been given on behalf of the petitioner for non-appearance for cross-examination of the



complainant, no ground is made out. There is no merit in the Petition which is hereby dismissed.

**NEENA BANSAL KRISHNA, J**

**SEPTEMBER 3, 2024/va**