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

+ **CRL.M.C. 4159/2024**

NATWAR LAL RAI

..... Petitioner

Through: Mr.Mrinal Bharat Ram and
Ms.Ananya Bhardwaj, Advs.
(through VC)

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Priyanka Dalal, APP with
SI Rajan Pal Singh and W/SI
Ritu

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.05.2024

CRL.M.A. 15775/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 4159/2024 & CRL.M.A. 15776/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for setting aside of the Order dated 14.03.2024 passed by the learned Metropolitan Magistrate-07, North West District, Rohini Courts, Delhi in Cr. Case No.532410/2016, titled *State v. Natwar Lal Rai*, closing the right of the petitioner/accused to cross-examine PW7 - SI Kewal and PW8 - SI Rajan Pal.

3. The learned counsel for the petitioner submits that he was not in a position to cross-examine the said witnesses on that day as, while preparing for the cross-examination, he found that certain documents were missing from his file and the erstwhile counsel had not provided



a complete copy of the case file to him. He submits that he had later applied for certified copies of the same. He, therefore, requested for an adjournment for an opportunity to cross-examine PW7 and PW8 on another date. This request, however, was refused by the learned Trial Court, observing that the counsel had been appearing for the accused since May, 2023 and in any case, the presence of the accused had been secured with much difficulty.

4. The learned counsel for the petitioner states that only one further opportunity be granted to the petitioner to cross-examine the said witnesses, as in absence thereof, the defence of the petitioner shall be gravely prejudiced.

5. The learned APP submits that the Impugned Order records that not only the presence of the accused was secured after much difficulty, but also that the counsel representing him did not have his *Vakalatnama* on record. She further submits that the FIR is of the vintage of 2011.

6. Having considered the submissions made and keeping in view the peculiar facts and circumstances of the case, as also the fact that the accused must get a proper opportunity to defend himself in a criminal trial, in my view, one further opportunity be granted to the petitioner to cross-examine PW7 and PW8 mentioned hereinabove.

7. However, it is made clear that on the date fixed by the learned Trial Court for recording further statements of the PW7 and PW8, the petitioner shall cross-examine the said witnesses and shall not seek an adjournment on any ground. In case an adjournment is sought by the petitioner, the right to cross-examine the said witnesses or any of them



shall stand closed.

8. The learned counsel for the petitioner submits that the accused shall appear before the learned Trial Court on the next date of hearing.
9. The petition is allowed in the above terms.
10. *Dasti.*

NAVIN CHAWLA, J

MAY 21, 2024/ns/am

Click here to check corrigendum, if any