



\$~37

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

+ CRL.M.C. 6023/2024

KAMAL YADAV

.....Petitioner

Through: Mr. Abhijit Mishra, Ms. Payal Bahl
& Mr. Saurav Singh, Advocates with
petitioner in person

versus

PUBLIC PROSECUTOR & ORS.

.....Respondents

Through: Mr. Pradeep Gahlot, APP for State
SI Pankaj Kumar & ASI Yogesh
Kumar, PS Jyoti Nagar

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

18.09.2024

1. Status report has been filed and in para 10. It transpires that APP for the State requested the JFMC that she did not want to conclude the examination in chief of the IO, for the reason that examination in chief of other witnesses are still left, and in case any clarification is required, it can further be recorded in the examination of chief of the IO.
2. Counsel for petitioner has objection to this relying on Section 242 (3) Cr.P.C. He states that cross-examination can be deferred but there is no provision for an examination in chief itself to be deferred.
3. In the opinion of this Court, this process of truncated examination in chief may not be correct and would prejudice the accused from having all of the IO's testimony in place. It is directed to therefore conclude the examination in chief of the IO before commencing with other witnesses.
4. Petition is disposed of with these directions.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 18, 2024/sm