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

+ CRL.M.C. 8526/2024

SANTOSH

.....Petitioner

Through: Mr. Shikhar Goel, Adv. (through vc)
Mr. Shivam Gaur, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Yashveer Sharma,
P.S.Govindpuri.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

27.05.2025

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1. A closed envelope with a letter has been placed before the Court upon an office note.
2. The Court takes note of the order dated 25.11.2024 whereby this Court directed that the testimony of the prosecutrix in case FIR No. 628/2023 under Sections 363/376/370/370A IPC and Section 6 of POCSO Act P.S. Govind Puri be recorded afresh in consonance with the direction passed by the Hon'ble Supreme Court in ***Naim Ahamad vs. State (NCT of Delhi), 2023 SCC OnLine SC 89.***
3. Vide subsequent order dated 09.12.2024, this Court observed that *“video recording can only be permitted under reasoned orders requiring special measures by a Judge, and if so permitted, it shall be under a protective order, taking into account all aspects from sub-clause (i) to (v)”* of Clause 27 of the *“New Guidelines of the High*



Court of Delhi for Recording of the Evidence of Vulnerable Witnesses”.

4. In her letter, the learned Sessions Court has stated that while the testimony of PW1/victim was being recorded before the court on 14.05.2025, Mr. Shikhar Goel, learned counsel for the accused Santosh in the FIR repeatedly created unwarranted and unapologetic scene in the court room during the recording of testimony of PW-1/victim girl and due to such conduct of the counsel, the testimony of the victim could not be recorded. Along with the said letter, the learned trial court has sent the copy of the proceedings dated 14.05.2025.

5. Mr. Shikhar Goel, learned counsel for the petitioner/accused, who is present through VC, states that he had placed his objection before the court that the statement of the victim was not being recorded in verbatim and made no unwarranted and unapologetic scene in the court room. He wants to place affidavit on record to that effect. Learned counsel assures Court that he would render full cooperation with the trial court in getting the testimony of the victim recorded on the next date.

6. List on 01.08.2025.

RAVINDER DUDEJA, J

MAY 27, 2025/ib