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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9218/2024, CRL.M.A. 35347/2024 &
CRL.M.A. 35348/2024

AKIL AHMEDPetitioner
Through: Mr. Jatin Bhatt & Mr.
Kshitij Singh, Advocates.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Madhur Pandey, SPP
alongwith, Mr. Sulabh
Gupta, Mr. Aviral Bansal
& Mr. Umesh Singh,
Advocates.
ASI Vaibhav (P.S.
Dayalpur).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
26.11.2024

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1. The present petition is filed challenging the order dated 11.11.2024 passed by the learned Additional Sessions Judge-03 ('ASJ'), North East Delhi District, Karkardooma Courts, New Delhi in sessions case no.99/2021, pursuant to which, the petitioner's right to cross-examine the PW21 was closed.
2. The learned ASJ, noted that the PW21 (Retd. ASI Huum Singh) has been waiting since morning. It was also noted that the petitioner/accused was directed on an earlier date to appear by 10:00 AM for the purpose of cross-examination. Due to non-appearance of the petitioner or the readiness of his counsel to cross-examine the PE was closed.
3. Mr. Madhur Pandey, the learned Special Public Prosecutor



for the State, at the outset, fairly, submits that he has no objection if the petitioner is granted one last opportunity on the petitioner being subjected to cost and on an undertaking by the petitioner that no further adjournments would be taken.

4. Considering the above, this Court considers it apposite to permit the petitioner one last opportunity to cross-examine the PW21.

5. In view of the above, the impugned order dated 11.11.2024, is set aside. Let PW21 be summoned for examination on 05.12.2024.

6. The learned Trial Court is directed to take up the matter for further examination of PW21 on 05.12.2024 at 10:00 AM in the morning or fix any other date as per its convenience.

7. The learned counsel for the petitioner assures that the petitioner and his counsel would be present on 05.12.2024 at 10:00 AM or any other date as may be fixed by the learned Trial Court for concluding the cross-examination of PW21.

8. He submits that the same would be carried out on the same day and no adjournment will be taken.

9. The petitioner is directed to pay a sum of ₹5,000/- to PW21 as a diet money on 05.12.2024.

10. The petition is allowed in the aforesaid terms.

11. A copy of the order be sent to the concerned learned Trial Court for necessary compliance.

AMIT MAHAJAN, J

NOVEMBER 26, 2024

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