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

+ CRL.M.C. 870/2025, CRL.M.A. 4050/2025

YEANUR

.....Petitioner

Through: Mr. Omkar Sharma, Mr. Ghanshyam Sharma, Mr. Aditya Sharma, Mr. Deepak Daima, Mr. Sujoy Nandi, Ms. Rushali Nandi, Mr. Sachin Chaudhary, Mrs. Shubhashree Pandey, Mr. Jitendra Kr. Singh, Mr. I.K. Rawat and Mr. Prem Nain Yadav, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State with SI Nisha Sharma, PS-Kalindikunj.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
16.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) assails the order dated 10th December, 2024 passed by ASJ (FTSC) POCSO Act, South East, Saket Courts, New Delhi whereby the Petitioner's application under Section 311 of Cr.P.C. for further examination of PW-1 (Ms. X) was rejected.

¹ "BNSS"



2. PW-1 was cross-examined by the defence on 21st February, 2024, when full opportunity was granted and duly availed. Nearly seven months later, after the recording of the statement under Section 313 CrPC and upon a change of the Petitioner's counsel, an application was moved seeking further cross-examination of PW-1.
3. The Court is of the considered view that a change in counsel cannot, by itself, constitute sufficient grounds for recalling a witness for cross-examination, particularly when substantial time has passed since the recording of the said witness's testimony.
4. Further, the Court enquired into the nature of the questions proposed by counsel for the Petitioner to be put to PW-1 and found them to be having no bearing on the facts of the case.
5. Accordingly, the present petition is dismissed along with pending application.

SANJEEV NARULA, J

SEPTEMBER 16, 2025

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² "Cr.P.C."