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

+ CRL.M.C. 1622/2025 with CRL.M.A. 7337/2025, CRL.M.A.
7338/2025

BHARAT KALRAPetitioner

Through: Mr. Gaurav Dalal, Advocate.

versus

STATE G.N.C.T OF DELHI & ANR.Respondents

Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.03.2025

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CRL.M.A. 7338/2025 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.C. 1622/2025

4. The present writ petition impugns order dated 04th October, 2024,¹ passed by the Trial Court in Complaint Case No. 1210/2019, whereby the application filed by the Petitioner under Section 311 of the Cr.P.C. to recall CW-1 (complainant – Gulshan Khanna) for his further cross-examination has been declined.

¹ “Impugned order”



5. It is noted that CW1 was cross-examined on 12th October, 2023 and further cross-examined on 17th February, 2024. Counsel for the Petitioner submits that at that time, he was not well and proper cross-examination could not be conducted and as such, prayer of the application ought to have been allowed.

6. The Court has heard the counsel for the parties. It is pertinent to note that there has been a delay of more than eight months by the Petitioner in taking recourse to 311 Cr.P.C., for seeking further examination of the complainant. Petitioner's contention that since the counsel was unwell, proper cross-examination could not be conducted is not a valid reason for reopening the cross-examination of the witness. The witness had already been cross-examined at length, and the mere claim of ineffective cross-examination does not justify recalling a witness. This is a settled position in law. On this issue, it is apposite to refer to the judgment also relied upon in the impugned order i.e. *State (NCT of Delhi) Vs. Shiv Kumar Yadav*.²

7. In light of the foregoing, the Court finds no merit in the present petition.

8. Dismissed.

SANJEEV NARULA, J

MARCH 26, 2025/PB

² (2016) 2 SCC 402