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

+ **CRL.M.C. 1126/2021**

RAM LAL KANOJIA

.....Petitioner

Through: Ms. Aishwarya Rao & Ms. Mansi
Rao, Advocates with Petitioner in
person.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for
State.
S.I. Kiranpal Singh, PS Subzi Mandi,
Delh.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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31.01.2025

CRL.M.A. 5761/2021 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

CRL.M.C. 1126/2021

3. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) read with Article 227 of the Constitution of India has been filed on behalf of the Petitioner to challenge the Order dated 04.09.2019 *vide* which the Application under Section 311 of Cr.P.C., 1973 filed on behalf of the Petitioner for recalling CW-1 to CW-3 for further cross-examination, has been dismissed.



4. It is submitted in the Petition that the Petitioner was being assisted by the counsel from the Legal Aid who has missed out certain vital aspects while cross-examining CW-1 to CW-3, which has caused serious prejudice to the Petitioner.

5. Therefore, the prayer is made that the impugned Order dated 04.09.2019 denying further cross-examination of CW-1 to CW-3 may be set aside and one opportunity may be granted to the Petitioner for further cross-examination of CW-1 to CW-3.

6. It is, therefore, submitted that the right for further cross-examination may be granted to the Petitioner or else it would cause serious prejudice to the Petitioner.

7. ***Learned Additional Public Prosecutor*** on behalf of the State has opposed the present Petition on the ground that all the witnesses have been extensively cross-examined as has been observed by the learned Metropolitan Magistrate in the impugned Order. Furthermore, the Petitioner would have ample opportunity to produce his defence at the stage of defence evidence.

8. It is, therefore, submitted that there is no merit in the present Petition which is liable to be dismissed.

9. **Submissions heard and record perused.**

10. There are no specific defences on which the Petitioner intends to confront the CW-1 to CW-3. On a specific query, learned counsel for the Petitioner, on instructions from the Petitioner who is present in the Court, submits that there was a CCTV footage which is on record and CW-1 to CW-3 need to be confronted with the said CCTV footage and the defence is also required to be put to the three witnesses.



11. However, considering the submissions made and also the reason given that he be granted opportunity to put his defence to the prosecution witnesses and to confront them with the evidence, including the CCTV footage which is already available on record, the present Petition is allowed. One opportunity is granted to the Petitioner to further cross-examine the CW-1 to CW-3.

12. The learned Trial Court is directed to list the matter on three days for cross-examination of each of the witnesses.

13. It is made clear that no further opportunity is granted to the Petitioner on any ground.

14. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 31, 2025

S.Sharma