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

+ **CRL.M.C. 2568/2025 & CRL.M.A. 11477/2025**

NEERAJ KUMAR

.....Petitioner

Through: Mr. Prasoon Kumar and Mr. Aditya
Chaudhary, Advocates

versus

THE STATE GOVT OF NCT DELHI AND ANR.Respondents

Through: Mr. Asshneet Singh, APP for the
State with Sub inspector Kailash
Chand Meena

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

23.05.2025

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1. By way of this petition, the petitioner seeks quashing of order dated 22.03.2023, passed by the learned Additional Sessions Judge-04, Patiala House Court, New Delhi in SC No.31/2019, arising out of FIR No. 396/2018, registered at Police Station Sagarpur, Delhi, for the commission of offence punishable under Sections 307/506 of Indian Penal Code, 1860 (hereafter '*IPC*').

2. The impugned order reads as under:

“ Matter is fixed for cross examination of PW10 ASI Nand Kishore. ASI Nand Kishore is present.

Again adjournment sought by proxy counsel for accused without any cogent reason.

As per record, despite various opportunities, accused has failed to cross examine PW10 ASI Nand Kishore. He has sought adjournment on various grounds earlier also. No ground is made out for grant of further adjournment. Accordingly, the right of accused to



cross examine PW10 is hereby closed.

Put up for further PE on 17.04.2025.”

3. The learned counsel appearing on behalf of the petitioner/accused states that PW-10 ASI Nand Kishore was examined and partly cross-examined before the learned Trial Court on 05.06.2024. He further states that on 08.07.2024, the petitioner’s counsel had sought adjournment before the learned Trial Court on the ground that *‘his entire office got submerged in the rain’* and the matter was adjourned to 22.08.2024. He further states that on 22.08.2024, the learned Presiding Officer was on leave, therefore, the matter was adjourned to 05.10.2024. However, on 05.10.2024, the learned proxy counsel for the petitioner stated that he had applied for certified copy of the file but had not yet received the copy till the date fixed before the learned Trial Court, and therefore, PW-10 was discharged unexamined, and the matter stood adjourned to 09.12.2024. He further states that on 09.12.2024, the learned Presiding Officer was on leave and the matter stood adjourned to 22.02.2025. On 22.02.2025 also, the learned Presiding Officer was on leave, and the matter stood adjourned to 22.03.2025. It is stated that on 22.03.2025, when the matter was taken up for conducting further cross-examination of PW-10, adjournment was sought by the petitioner’s counsel. The learned counsel appearing on behalf of the petitioner states that he was in some personal difficulty on the said date.

4. Having considered the record, this Court is of the view that PW-10 ASI Nand Kishore is the main Investigating Officer (IO) of the case and in case, cross-examination of the said witness is not allowed to be conducted, it will seriously prejudice the case of the petitioner herein.

5. Considering the overall facts and circumstances of the case, the prayer



of the petitioner is allowed, but subject to imposing cost of Rs.5000/-, which he shall deposit with Advocates Welfare Fund, Patiala House Courts, Delhi. The petitioner shall be given one single opportunity by the learned Trial Court, after fixing a date, for conducting cross-examination of PW-10 ASI Nand Kishore. The learned counsel for the petitioner will ensure that he remains present before the learned Trial Court and conclude the cross-examination of PW-10 on the date so fixed by the learned Trial Court.

6. In above terms, the present petition stands disposed of.
7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 23, 2025/ns

[Click here to check corrigendum, if any](#)