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

+ CRL.M.C. 5069/2024 & CRL.M.A. 19376/2024 STAY CRL.M.A. 24468/2024 BRINGING ON RECORD CERTAIN SUBSEQUENT DEVELOPMENTS CRL.M.A. 31056/2024 FOR DIRECTIONS CRL.M.A. 5432/2025 FOR FINAL DISPOSAL CRL.M.A. 5998/2025 FOR FINAL DISPOSAL

BALJEET SINGH AND ORS

.....Petitioners

Through: Petitioner in person with Mr. Anurag Jain, Advocate

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Manjeet Arya APP
Complainant in person with Mr. Reema Roy & Ms. Neelima Bagoria, Advocates

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.03.2025

CRL.M.A. 19375/2024 EXEMPTION, CRL.M.A. 24469/2024 EXEMPTION, CRL.M.A. 5433/2025 EXEMPTION & CRL.M.A. 5999/2025 EXEMPTION

Allowed, subject to all just exceptions.

All the applications stand disposed of.

CRL.M.C. 5069/2024

1. This is a petition under Section 528 of BNSS, 2023 against the impugned order dated 02.07.2024, passed by the learned trial Court in CA No. 192/2024, titled as, "Baljeet Singh & Ors. Vs. Amrit Kaur & Anr".



2. It is submitted by the learned counsel that a complaint under DV Act is pending trial before the court of learned JMFC (Mahila Court) at Tis Hazari. It is submitted that the trial court has closed the right of cross examination of the respondent (CW-1).
3. It is submitted that there is a voluminous record and multiple litigations pending between the parties at the level of District Court, High Court and Supreme Court, and therefore, elaborate cross examination is required.
4. He submits that petitioners require only one opportunity for remaining cross examination of CW-1.
5. *Per contra*, the learned counsel for the respondent submits that the petitioners have extensively cross-examined the respondent on multiple occasions, running into several hours and that the petitioners are deliberately trying to delay the disposal of the case and are just interested in harassing the respondents.
6. Perusal of the various orders, placed on record, reveal that petitioners have been cross examining the respondent since 19.03.2024, so much so, the order dated 25.06.2024 reveals that respondent was cross examined from 10.00 am to 5.00 pm, but the cross examination is still not complete. While passing the impugned order, the learned trial court took note of an undertaking given by the previous counsel for the petitioners on the last date i.e. 29.05.2024 that he shall conclude the cross examination of the respondent on the next date of hearing.
7. The revision filed by the petitioner against the order dated 25.06.2024 has been dismissed by the learned Sessions Court vide order dated 02.07.2024 on the ground that the cross examination cannot be allowed to be



continued in a never ending manner, and therefore granting further opportunity to the petitioners, would cause undue harassment to the respondent.

8. The right of cross examination is a valuable right and is essential for the fair trial of the case. It is apparent from the order dated 25.06.2024 as also the previous orders that respondent has been cross examined extensively. The case would have been different if such cross examination was not being conducted or being delayed by the petitioners or if the questions being put were not relevant and material for the adjudication of the case. Since as submitted, the record is voluminous and multiple litigations have taken place between the parties, cross examination has to be elaborate and extensive. Only one opportunity is being asked by the petitioner for the remaining cross examination, I, therefore, deem it appropriate to allow the petition and grant one opportunity to the petitioners to complete the cross examination of CW-1.

9. At this stage, learned counsel for the petitioners submits that he would require 5-6 hours for the remaining cross examination of CW-1.

10. Keeping in view the entire facts and circumstances and in the light of the submissions made, the petition is allowed with directions to the trial court to grant one more opportunity to the petitioners to cross examine CW-1. Trial court shall record the cross examination on the date already fixed before the trial court i.e. 26.03.2025. Petitioners are directed not to seek any adjournment for cross examination before the trial court. It is further made clear that either due to paucity of time or any other reason beyond the control of trial Court, the cross examination is not completed tomorrow, it may be continued the day after i.e. 27.03.2025 for completion of the cross



examination. Petitioners are directed to put only relevant questions in cross-examination and Court may reject irrelevant questions, if any, put by the petitioners.

11. The petition is disposed of in terms of the above order.

12. Copy of the order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J.

MARCH 25, 2025

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