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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8109/2025, CRL.M.A. 33863/2025 & CRL.M.A.
33864/2025

SACHIN KUMAR

.....Petitioner

Through: Dr. Ashutosh, Dr. Kiran Gupta,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State
with SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.11.2025

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1. The Petitioner is accused in FIR No. 92/2018, registered at P.S. Jyoti Nagar under Sections 354D and 509 of the Indian Penal Code, 1860¹ read with Section 12 of the Protection of Children from Sexual Offences Act, 2012².

2. The Petitioner's request for recall of PW-4 (mother of the Victim) was declined by the impugned order dated 12th September, 2025. Counsel for the Petitioner submits that, in light of the judgment of the Supreme Court in *V.K. Mishra & Anr. v. State of Uttarakhand & Anr.*³, it is necessary for

¹ "IPC"

² "POCSO Act"

³ Criminal Appeal No. 1247/2012.



the Petitioner to confront PW-4 with the previous statements made by her to the police. It is submitted that PW-4 was not cross-examined on this aspect by Counsel earlier, and immediately upon realising this lapse, the Petitioner moved the application at the first available opportunity. Counsel further submits that the matter is still at the stage of recording prosecution evidence and, if granted an opportunity, the Petitioner undertakes to complete the further cross-examination of PW-4 on the very same day without seeking any adjournment.

3. The application is opposed by Mr. Hitesh Vali, APP for the State, on the ground that the reasons furnished for the earlier omission to cross-examine PW-4 on her previous statements are neither satisfactory nor convincing. It is submitted that no cogent explanation has been provided for the lapse on the part of the Petitioner.

4. The Petitioner has placed on record certain medical documents to indicate that he was suffering from depression, which is relied upon to explain the delay in filing the application between 16th January, 2025 and 06th June, 2025.

5. Having considered the overall facts of the case, and noting that the matter is still at the stage of prosecution evidence, as well as the assurance given on behalf of the Petitioner that the further cross-examination shall be strictly confined to confronting PW-4 with her previous statement made to the police, the application is allowed, having regard to the judgment of the Supreme Court in ***V.K. Mishra***.

6. List this matter before the Trial Court on the date already fixed for appropriate orders regarding the further examination of PW-4.

7. With the above directions, the present petition is disposed of along



with pending applications.

SANJEEV NARULA, J

NOVEMBER 17, 2025/ab