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

+ CRL.M.C. 8254/2025, CRL.M.A. 34426-34427/2025

AAISHA FATIMA

.....Petitioner

Through: Mr. Vivek Singh, Mr. Manoj Tyagi
and Ms. Saumya Saraswat,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.11.2025**

1. The Petitioner is the accused in FIR No. 420/2018 under Sections 3/14 of the Child Labour (Prohibition and Regulation) Amendment Act, 2016, Section 16 of The Bonded Labour System (Abolition) Act, 1976 and Section 75/79 of Juvenile Justice (Care and Protection of Children) Act, 2015, registered at PS, Jamia Nagar, and is facing trial.
2. On 9th July, 2025, when PW-2, Ms. Halima Sadiya, appeared for cross-examination, a request for adjournment was made by Mr. Ankit Kumar, Advocate, on the ground that the main counsel, Mr. Pratap Shankar, was occupied before this Court. The Trial Court noted that Mr. Ankit Kumar neither had a *vakalatnama* nor any authorisation from the counsel on record. In these circumstances, NBWs were issued against the accused and, in the absence of authorised counsel, the right to cross-examine PW-2 was closed.
3. The record further reflects that Mr. Ankit Kumar addressed the Court



in an aggressive manner and complained that the order was unclear, prompting the presiding Judge to advise him to maintain decorum.

4. Subsequently, NBWs issued against the accused were cancelled, however, the application for recall of PW-2 was declined by order dated 19th September, 2025.

5. Aggrieved by the aforementioned orders, the Petitioner has filed the present petition. It is submitted that the absence of cross-examination of PW-2 would severely prejudice the defence, as her testimony would remain unrebutted. It is further submitted that the accused has now engaged new counsel, Mr. Manoj Tyagi, Advocate, who has filed his *vakalatnama* and assures that either he or an authorised associate shall remain present before the Trial Court on every date and shall not seek unnecessary adjournments.

6. The Court observed that a mere change of counsel cannot dilute the dignity of judicial proceedings, and accordingly sought to ascertain whether Mr. Ankit Kumar, Advocate, was willing to an unconditional apology to the Court for his conduct as noted in the impugned orders. Pursuant thereto, Mr. Ankit Kumar has appeared in person and tenders an unconditional apology. He submits that he holds the Court in the highest esteem and had no intention to cause any inconvenience or disturbance in the Court proceedings. He further undertakes to appear before the Trial Court and express his regret to the Presiding Judge on the next date of hearing.

7. In view of the above, and taking on record the statement of Mr. Ankit Kumar, the impugned orders are set aside to the extent they close the right of the accused to cross-examine PW-2. The Trial Court shall afford the accused an opportunity to cross-examine PW-2.

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



with pending application.

SANJEEV NARULA, J

NOVEMBER 20, 2025

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