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

+ **CRL.M.C. 858/2026 & CRL.M.A. 3402/2026**

WASIM AHMAD & ANR.

.....Petitioners

Through: Ms. Anshu Priyanka, Ms. Manya
Purwar, Ms. Dippt Anubhuti, Mr.
Abhiraj Singh and Mr. Abhishek
Khare, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State alongwith SI Vinod Kumar,
P.S-Anand Parbat

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

1. The petitioners in this petition under Section 482 of the Code of Criminal Procedure, 1973, are the accused in proceedings arising out of FIR No. 520/2014 dated 21.10.2014, registered under Sections 364A/120B/34 of the Indian Penal Code, 1860, ["IPC"] at Police Station Anand Parbat, Central District, Delhi. They assail an order dated 14.01.2026 passed by learned Additional Sessions Judge (Fast Track Courts), District West, Tis Hazari Courts, Delhi, by which their application for recall of DW-2, V.N. Bhatt, Ahlmad in the Court of learned Judicial Magistrate First Class ["JMFC"]-04, South East District, Saket Courts, was rejected.
2. Further to the order dated 02.02.2026, the complainant is present in-person.



3. The genesis of this case lies in an application filed by the petitioners before the learned Additional Sessions Judge (Fast Track Courts), District West, Tis Hazari Courts, Delhi, for calling of the records relating to FIR No.1112/2014 dated 21.10.2014, registered at Police Station Govind Puri, South East District, Delhi, under Sections 420/34 of the Indian Penal Code, 1860. The said FIR has been registered against a relative of the complainant in the present case.

4. The records were called for by the learned Sessions Court and the evidence of one Mr. V.N. Bhat, Ahlmad in the Court of learned JMFC-04, South East District, Saket Courts, was recorded as DW-2.

5. According to the petitioners, the evidence given by the said official was not consistent with the records, and they, thereafter, filed another application for recall of the said witness.

6. By the impugned order dated 14.01.2026, the learned Sessions Court has dismissed the said application holding that the record was, in fact, available, not with the Ahlmad in the Court of learned JMFC-04, South East District, Saket Courts, but with the Ahlmad in the Court of learned JMFC-09, South East District, Saket Courts. The Sessions Court has also held that the aforesaid record is not required at all, *inter alia*, on the ground that the conduct of the complainant has already been brought on record through cross-examination of witnesses and a previous involvement/conduct report of the complainant.

7. Before this Court today, Ms. Anshu Priyanka, learned counsel for the petitioners, handed over a compilation of documents and orders, including the applications filed by the petitioners for calling of two witnesses, being the Ahlmad of the Court and the police constable in FIR No.1112/2014. Although, no specific order is on record, the police



constable was called and examined on 15.12.2025, and the concerned Ahlmad was summoned for the next date of hearing.

8. In the impugned order, the learned Sessions Court has noted that the relevant records would be available with the Ahlmad of the Court of JMFC-09, South East District, Saket Courts, and has declined to recall the witness from the Court of JMFC-04, South East District, Saket Courts. As the records are, in any event, not available with the Court of JMFC-04, South East District, Saket Courts, recalling of the said witness is not required. Ms. Priyanka has also not pressed that aspect of the matter, as noted in the order dated 02.02.2026.

9. However, in view of the fact that the Court had already summoned the concerned Ahlmad, but the Ahlmad who had appeared, was not from the concerned Court, I am of the view that it is in the interest of justice to give the petitioners an opportunity to seek examination of the Ahlmad in the Court of learned JMFC-09, South East District, Saket Courts.

10. I am informed that the matter is listed on 06.02.2026 before the learned Sessions Court. If the petitioners move an application for calling of the relevant witness [Ahlmad in the Court of learned JMFC-09, South East District], the same be considered by the learned Sessions Judge in accordance with law.

11. In terms of the above, the present petition, alongwith pending application, stands disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026

Dy/JM/