



2026:DHC:1492



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 19th February, 2026**

+ CRL.M.C. 1574/2025
XXXX

.....Petitioner

Through: Mr. Gautam Khazanchi, Mr. Chaitanya Sundriyal, Ms. A. Pratap, Mr. Vinayak Chawla, Ms. Madhura Vaidya and Ms. Pooja Deepak, Advocates.

versus

STATE OF DELHI NCT

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the State with SI Ajit.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)****CRL.M.A. 5676/2026 (seeking early hearing)**

1. The next date of hearing in the present petition is 21.05.2026 and the abovesaid application seeks early hearing.
2. Keeping in mind the short point involved and the urgency cited, the application is allowed and the date is pre-poned. The matter is taken up today.
3. The next date i.e. 21.05.2026 is hereby cancelled.

CRL.M.C. 1574/2025

4. The victim i.e. petitioner herein, is survivor of heinous crime of rape/sexual assault.
5. The alleged incident occurred in the year 2018 and during trial, petitioner entered into witness box, reportedly, on 22.02.2023.
6. However, her cross-examination could not take place. Subsequently, she appeared four times for the purposes of cross-examination and on all such occasions, she was further cross-examined. Fact, however, remains that her



2026:DHC:1492



cross-examination was not completed.

7. When the matter was scheduled for further cross-examination on 06.12.2024, she did not appear and resultantly, on 13.02.2025, the learned Trial Court issued *Bailable Warrants* against the victim/petitioner on account of her non-appearance.

8. Petitioner on that day i.e. on 13.02.2025 was represented through her counsel who submitted his *memo of appearance*. He also explained the reason of her non-appearance while submitting that it was on account of late receipt of summons, travel time from her village in Jharkhand to Delhi and responsibility upon her to take care of her minor children. There was, thus, a request from the side of the counsel to give another date for due compliance of the order of her appearance before the learned Trial Court but, as noted, *Bailable warrants* were issued.

9. The present petition seeks re-calling of the abovesaid order dated 13.02.2025, with the prayer that the learned Trial Court may be requested to examine the victim through *video-conferencing* as per the existing Rules or else to give her sufficient time to appear before the Court physically, particularly considering the fact that she is settled in a far-flung area situated 300 Km away from Ranchi.

10. Learned APP for the State also submits that learned Trial Court can always resort to the *Electronic Evidence and Video Conferencing Rules, 2025* and can permit recording of her cross-examination through *video conferencing*.

11. During course of the arguments, it was also informed by the learned counsel for the petitioner that the nearest district i.e. District Godda, is hardly 60 km away from the village and she can always join the proceedings through



2026:DHC:1492



video-conferencing from the concerned DSLA or concerned Court complex situated in Godda District.

12. The next date of hearing before the learned Trial Court is stated to be 02.03.2026.

13. Keeping in mind the facts presented before this Court, the abovesaid order dated 13.02.2025 is, hereby, re-called.

14. Simultaneously, the learned Trial Court is requested to consider the submissions made by the petitioner herein in a sympathetic manner and to see whether in such a peculiar situation, she can be permitted to be further examined through *video-conferencing* mode. If at all, for any reason whatsoever, the learned Trial Court feels her physical appearance is imperative, it shall give reasons thereof and while asking for such physical appearance, it would also ensure that State would make adequate arrangements of her travel to Delhi. The concerned IO shall ensure that travel tickets, are arranged in advance.

15. Learned Trial Court would also ensure that as and when she appears for cross-examination either physically or through *video-conferencing* mode, the cross-examination is concluded, without any delay.

16. The petition stands disposed of in aforesaid terms.

17. A copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

FEBRUARY 19, 2026/ss/sa