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

+ CRL.M.C. 2732/2026, CRL.M.A. 11114/2026

AMITABH PODDAR

.....Petitioner

Through: Mr. B.P. Sharma and Ms. Samsun
Nihar, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.
SI Manisha, P.S.: Mandawali.
SI Shikha, Special Branch.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.04.2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns order dated 24.01.2026 passed by the learned Additional Sessions Judge (SC-POCSO), East District, Karkardooma Courts, Delhi ('sessions court') in SC 2739/2019, whereby an application filed by the petitioner (accused) under section 311 of the Code of Criminal Procedure 1973 ('Cr.P.C.') has been dismissed by the learned sessions court.

In his opening arguments, Mr. B.P. Sharma, learned counsel appearing for the petitioner submits, that though the application under section 311 of Cr.P.C. was moved for recalling the PW-3 and PW-4, who are the parents of the prosecutrix, the petitioner in fact wanted to call the concerned Registrar of Births and Deaths as a witness in order to establish



that the prosecutrix was not minor on the date of the alleged offence.

Clearly, calling of the witness from the Registrar of Births and Deaths was not the prayer in the application under section 311 Cr.P.C. nor does the petitioner now wish to recall PW-3 or PW-4.

The defence evidence in the matter stands closed and the matter has been pending for final arguments since 19.09.2025.

In the circumstances, the present petition is disposed-of, granting liberty to the petitioner to adopt such remedies as may be available for calling of any additional witness in defence, as may be permissible in accordance with law.

Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 10, 2026/ak