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

+ **CRL.REV.P. 231/2026**

CHAND ALAM @FARZ

.....Petitioner

Through: Mr. Neeraj Kumar, Adv.
(DHCLSC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, Additional
Public Prosecutor with Ms. Divya
Bakshi, Ms. Upasna Bakshi, Mr.
Aditya Vikram Singh & Mr.
Gourav Singh, Advs.
Insp. Ranvir Singh PS Okhla
Industrial Area.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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15.04.2026

CRL.M.A. 11488/2026 (Exp)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. By virtue of the present petition, the petitioner seeks the following reliefs:

a. Allow the present Revision Petition and set aside the impugned order dated 12.12.2025 passed by the Learned Additional Sessions Judge--02, South-East District, Saket Courts, New Delhi in FIR No. 839/2021, PS Okhla Industrial Area, whereby the application under Section 311 Cr.P.C. (Section 348 BNSS) filed by the Petitioner was dismissed;



b. *Permit recall of PW-8 Rajan for the limited purpose of confronting him with the alleged weapon of offence, namely the pair of scissors stated to have been recovered from the drain, and for further cross examination confined to that aspect;*

4. At the outset, a bare perusal of the documents on record shows that the application under *Section 348* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) (erstwhile *Section 311* of the Code of Criminal Procedure, 1973) moved by the petitioner before the learned Additional Sessions Judge, South-East District, Saket Courts, New Delhi (**learned Trial Court**) was itself devoid of any reasonable grounds, and was filed with the sole contention *qua* identification of the weapon of assault involved.

5. The said application has been dismissed by the learned Trial Court *vide* order dated 12.12.2025 (**impugned order**) by providing cogent reasoning(s), wherein it has been held as under:

‘Considering that PW8 Rajan has been examined, cross-examined and discharged on the same day and the accused had already cross-examined the aforesaid witness at length and further it is not the case that not showing the witness the weapon/ scissor to the witness, was any detrimental to the testimony already recorded. Therefore, the aforesaid application u/sec. 311 CrPC moved by accused, is not maintainable and hence dismissed.’

(emphasis supplied)

6. Considering the aforesaid, and since the ambit of *Section 348 BNSS* is itself limited and subject to the satisfaction of the concerned Court, and that too only if the said evidence sought for “... *...appears to it to be essential to the just decision of the case*”, this Court finds no infirmity in



the impugned order passed by the learned Trial Court. Therefore, there are no relative grounds for this Court to interfere therewith, particularly since the contentions urged on behalf of the petitioner herein have already been duly considered and decided.

7. As such, the present petition, being devoid of any merit, is dismissed *in limine*.

SAURABH BANERJEE, J

APRIL 15, 2026/ab