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

+ **CRL.M.C. 3787/2026**

SURESH SINGH

.....Petitioner

Through: Mr. Amit Chadha, Sr. Advocate with
Mr. Rishi Raj Sharma, Mr. Atin
Chadha, Ms. Munisha Chadha, Mr.
Harjas Singh and Mr. Dhruv Tomar,
Advocates.

versus

MADHURI DASS

.....Respondent

Through: Ms. Shraddha Saxena, Mr. Vijay
Prakash Saxena, Mr. Astitva Jaiswal,
Ms. Aakriti Saxena and Mr. Gagan
Gandhi, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.05.2026

CRL.M.A. 15371/2026 (exemption)

CRL.M.A. 15372/2026 (exemption)

Exemptions granted, subject to just exception.

The applications stand disposed of.

CRL.M.C. 3787/2026

CRL.M.A. 15370/2026 (stay)

By way of the present petition filed under section 528 of the
Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner
seeks quashing of order dated 10.04.2026 passed by the learned
Judicial Magistrate of First Class-08, West, Tis Hazari District Courts,



Delhi whereby the learned Magistrate has passed the following operative directions:

“Considering the facts and circumstances of the present case, this Court deems it appropriate that one last opportunity be given to cross-examine CW-2 subject to heavy cost of Rs. 5,000/- to be paid to CW-2 on next date of hearing.”

2. Mr. Amit Chadha, learned senior counsel appearing for the petitioner/CW-2 submits, that as the record would show, the petitioner was cross-examined at length on 19.01.2026; but subsequently on 15.03.2026, the respondent moved an application under section 348 BNSS seeking recall of CW-2 for further cross-examination. This application was decided by way of the impugned order, wherein the learned Magistrate first observed as follows:

“It is to be noted that change of counsel is no ground for re-cross-examination of any witness, otherwise, it will be endless exercise.”

3. However subsequently in the same order, the learned Magistrate proceeded to grant to the respondent another opportunity to cross-examine the petitioner, subject to nominal costs.
4. Mr. Chadha submits, that the respondent’s effort is only to harass the petitioner, who has faced proceedings in the present matter *since 2013*.
5. However, after a brief hearing in the matter, this court is of the view that though the learned Magistrate’s order granting another opportunity to the respondent for cross-examining the petitioner does not require interference in the present case, it does require to be clarified that the further opportunity granted shall be restricted *only to one single opportunity*; and also that *no questions that are repetitive* of the cross-



examination conducted earlier shall be permitted during the further cross-examination.

6. The present petition is disposed-of in the above terms.
7. The petitioner is directed to remain available for cross-examination on 23.05.2026, the date given by the learned Magistrate.
8. Pending application, if any, disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 22, 2026/hb