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

+ CRL.M.C. 3930/2026

DUSHYANT @ MONU

.....Petitioner

Through: Dr. Rakesh Gosain, Mr. Nitin S. Vashishth, Mr. Varun Rana, Mr. Anshul Lamba, Mr. Chirag Dagar, Mr. Pankaj Nagar, Mr. Mayank Sharma and Ms. S. Gosain, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State. SI Sumit, P.S.: Bavana.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.05.2026**

CRL.M.A. 15937/2026 (exemption)

CRL.M.A. 15938/2026 (exemption)

Exemptions granted, subject to just exception.

Let requisite compliances be made within 01 week.

The applications stand disposed of.

CRL.M.C. 3930/2026

CRL.M.A. 15939/2026 (stay)

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner impugns order dated 08.05.2026 passed by the learned Special Judge (NDPS)/ASJ, North District, Rohini Courts, Delhi whereby the learned ASJ has dismissed an application dated 07.05.2026 filed on behalf of the petitioner under section 311 of the Cr.P.C., by which



application the petitioner had sought recall of PW-14/Retd. Inspector Anwar Khan, the Investigating Officer ('I.O.'). in the matter, for cross-examination by learned counsel appearing on behalf of the petitioner/accused.

2. Dr. Rakesh Gosain, learned counsel appearing for the petitioner submits, that PW-14 was cross-examined on behalf of other co-accused persons on 24.04.2026 and was discharged thereafter. However, since on that date learned counsel appearing for the petitioner before the learned ASJ was unwell, counsel was not able to conduct the cross-examination of PW-14.
3. It is submitted that the learned ASJ had orally suggested on 24.04.2026 that learned counsel for the petitioner could have an opportunity to cross-examine PW-14 in the next week, subject to costs of Rs. 25,000/-, which was declined by the learned counsel since he was seriously unwell and could not have cross-examined PW-14 even in the next week.
4. In the circumstances, it is pointed-out that the petitioner moved an application dated 07.05.2026 under section 311 of the Cr.P.C. seeking recall of PW-14. This application has come to be rejected by the learned ASJ *vidé* impugned order dated 08.05.2026, since in effect, the learned trial court observed that an opportunity to cross-examine PW-14 had already been offered on oral suggestion, no further opportunity could be granted to learned counsel for the petitioner for that purpose, especially considering that the matter has been pending for the last 14 years.



5. Dr. Gosain submits, that a perusal of prescription dated 22.04.2026 appended to the present petition would show that counsel appearing for the petitioner before the learned ASJ was running high fever during that period and was later diagnosed with typhoid; and therefore, it was unjustified for the learned ASJ to have suggested that counsel should cross-examine PW-14 in the next week, and later declined him any further opportunity for that purpose.
6. Issue notice.
7. Ms. Shubhi Gupta, learned APP appears for the State on advance copy; accepts notice; and considering the prayer made, leaves it to the court to pass appropriate orders.
8. In view of the submissions made, and the limited nature of the relief sought, the present petition is disposed-of granting to the petitioner *01 solitary opportunity, spread over 02 days* to cross-examine PW-14 / Retd. Inspector Anwar Khan, *without* requirement of paying any costs.
9. The court is informed that the next date of hearing before the learned trial court is 20.05.2026, on which date PW-14 can make himself available for cross-examination by learned counsel appearing for the petitioner before the learned ASJ. Accordingly, it is directed that learned counsel appearing for the petitioner shall cross-examine PW-14 on 20.05.2026 *and* shall also be given *one* more date for that purpose, which date the learned ASJ shall designate.
10. The petition stands disposed-of in the aforesaid terms.
11. Pending applications, if any, also stand disposed-of.



12. The Registry is directed to communicate a copy of this order *forthwith* to the concerned Principal District & Sessions Judge, North District, Rohini Courts, Delhi for information and compliance.
13. A copy of this order be given *dasti* under signatures of the court master.

ANUP JAIRAM BHAMBHANI, J

MAY 18, 2026/hb