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

\# **CNR No. DLHC010480742026**

\+ CRL.REV.P. 594/2026, CRL.M.A. 31303/2026 & CRL.M.A. 31304/2026

ABHIJEET GHOSH .....Petitioner

Through: Mr. Vinay Kumar Sharma, Advocate

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Shoaib Haider, APP for the State

CORAM:
HON'BLE MR. JUSTICE ARUN BHARDWAJ

O R D E R

% 06.10.2026

1. In the present case, on 20.08.2026, the Petitioner had moved an application before the learned Trial Court seeking examination of three witnesses on behalf of the accused.

2. The learned Trial Court had granted permission only to examine two witnesses as Defence Witnesses, namely, Mr. Praveen Kumar and Mr. Abhishek and denied the request to examine the third witness, namely, Mr. Naresh Balyan by way of an order of the same date.

3. Thereafter, on 08.09.2026, the aforesaid witnesses were to be examined. However, one of the witnesses, namely, Mr. Praveen Kumar was not available and on this ground, an adjournment was sought. The learned Trial Court, however, denied the request and closed the Defence Examination holding that examination of this witness is not relevant.

4. The Petitioner seeks to assail both the aforesaid orders, i.e., order

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dated 20.08.2026 and 08.09.2026.

5. It is submitted by the learned Counsel for the Petitioner that only one opportunity was granted to Mr. Praveen Kumar to appear and thereafter, no further opportunity was given. Learned counsel for the Petitioner submits that one last opportunity be given so that he can examine Mr. Praveen Kumar and he will ensure that he appears before the Court.

6. Further, the learned counsel of the Petitioner submits that Mr. Naresh Balyan's examination is necessary on account of his role as the employer of the victim's mother.

7. On the other hand, learned APP for the State argued that Mr. Praveen Kumar is sought to be examined on facts on which Mr. Abhishek has already deposed. Therefore, no purpose would be served by examination of Mr. Praveen Kumar. In view of the same, the opportunity to examine the said witness has been rightly refused by the learned ASJ.

8. In respect of Mr. Naresh Balyan, learned APP for the State has argued that the examination of this witness is not at all relevant and has been rightly refused by learned ASJ.

9. In the opinion of this Court, since the learned Trial Court had already allowed the examination of Mr. Praveen Kumar, the subsequent order could not have closed the opportunity to examine him observing that he was not a material witness.

10. In view of the same, the accused is permitted to examine Mr. Praveen Kumar as DW-2. However, it is made clear that the accused shall be given just one opportunity to examine the witness on 09.10.2026, failing which he will get no other opportunity to examine him.

11. The request to examine Mr. Naresh Balyan does not have any merits.

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The accused wishes to examine him only to elicit from him whether mother of child victim, who works there as a domestic help, was there at the time of incident. However, in the opinion of this Court, whether the mother of the child victim was at the premises of Mr. Naresh Balyan or was elsewhere is not relevant to the present case. The application is therefore for made for the purpose of vexation and for delaying the trial. In view of the same, the decision of the learned Trial Court refusing to examine Mr. Naresh Balyan is affirmed.

12. With these directions, the petition is disposed of.

ARUN BHARDWAJ, J

OCTOBER 6, 2026
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