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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 122/2026 & CRL.M.A. 420/2026 & CRL.M.A. 421/2026**
JULFIKAR AHEMAD

.....Petitioner

Through: Mr. Vijay Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Aashneet Singh, APP for the State
with SI Shivpal Singh, P.S. Punjabi
Bagh.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

07.01.2026

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1. The request in the present petition is a very constricted one.
2. Petitioner is facing trial for commission of offence under Section 420 IPC.
3. FIR in question was registered on the basis of complaint made by Ms. Geeta (PW-1)
4. She had, allegedly, entered into one agreement with Mr. Julfikar Ahemad (petitioner/accused) and had given him a sum of Rs.2,50,000/- as security and despite pocketing such security, neither the possession was given to her nor the amount was refunded.
5. It is in the abovesaid background that the FIR was registered.
6. PW-1-Ms. Geeta i.e. complainant entered into witness box on 16.05.2017.
7. However, since the counsel for the accused was not present, the witness

CRL.M.C. 122/2026

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was discharged, without their being any cross-examination.

8. All the prosecution witnesses have, now, been already examined and the case is now fixed for 15th instant for recording statement of accused under Section 313 of Cr.P.C, 1973 (Section 351 of BNSS, 2023).

9. Fact, however, remains that an application under Section 311 of Cr.P.C. was moved by the accused seeking recall of PW-1-Ms. Geeta and PW-2-Mr. Rajender Singh and learned Trial Court *vide* order dated 27.09.2024 allowed the abovesaid application subject to cost of Rs. 5,000/- to be deposited with *Delhi Legal Services Authority, West, (DLSA, West)*.

10. It seems that there was some confusion in the mind of the petitioner with respect to aspect of deposit of cost and the accused was perhaps under the impression that the cost is to be paid to the witnesses concerned and, therefore, the cost was not deposited.

11. Since the cost was not deposited, the petitioner was, eventually, not permitted to seek recall and cross-examine the abovesaid two witnesses. This would be apparent from order dated 24.11.2025 passed by the learned Trial Court.

12. The cost has, reportedly, been deposited on 31.10.2025.

13. Learned counsel for the petitioner, on instructions, submits that he is, presently, confining his request to recall PW-1-Ms. Geeta only and would cross-examine her on any date to be fixed in this regard by the learned Trial Court.

14. He also submits that petitioner is even ready to defray the conveyance expense of said witness.

15. Learned APP for the State appears on advance notice and submits that there was no possibility of any confusion as the order of the learned Trial



Court was very specific and, ideally speaking, the same should have been duly complied with, well in time. He also submits that the FIR in question is of the year 2015 and the matter has already delayed, considerably.

16. Undoubtedly, the abovesaid order dated 27.09.2024 was amply clear and there was specific direction to deposit the cost with DLSA, West.

17. Fact, however, remains that if the testimony of the complainant goes unrebutted and uncontroverted, it might seriously prejudice the case of the accused and keeping the same in mind, the present petition is disposed of with request to learned Trial Court to call PW-1-Ms. Geeta Devi and permit her to be cross-examined by the petitioner/accused.

18. It is, however, made clear that the abovesaid order is subject to the availability of the witness and the petitioner would be entitled to only one opportunity in this regard.

19. The petition stands disposed of in aforesaid terms.

20. The pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

JANUARY 7, 2026/ss/js