



\$~66

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 72/2026 & CRL.M.A. 10080/2026**
DHIRENDER KUMAR TYAGI @ NITU

.....Petitioner

Through: Mr. Abhishek Tyagi, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **02.04.2026**

CRL.REV.P. 72/2026 & CRL.M.A. 10079/2026 (seeking early hearing)

1. Learned counsel for the revisionist submits that in compliance of the directions given by this Court on 29.01.2026, he has already filed certified copies of the relevant order-sheets and testimony of PW-6-Urmila Tyagi.
2. It seems that on account of some objections pointed out by the Registry, the same are still on record.
3. Revisionist seeks early hearing for the reason that the learned Trial Court has already started hearing final arguments and since learned APP for the State is also ready with the arguments, the date is pre-poned and the matter is taken up today itself.
4. During course of the arguments, learned counsel for the revisionist has shown the relevant order-sheets and testimony of PW-6-Urmila Tyagi which would indicate that she entered into witness box for the first time on 20.03.2014 and, thereafter, her examination-chief was deferred as one exhibit

CRL.REV.P. 72/2026

1



i.e. mobile phone, which had been sent to FSL, had not been received back.

5. Thereafter, she was further examined on 17.07.2025 and after her examination-chief, when the witness was tendered for cross-examination, such cross was deferred on the request of the defence as the main counsel was not available.

6. On 20.11.2015, she was cross-examined at length and, thereafter, her further cross-examination was conducted on 15.07.2017 also. However, it was not completed on that day and at the request of the defence counsel, her further cross-examined was deferred.

7. Thereafter, when she entered into witness box on 06.04.2018, there was no cross-examination from the side of the accused and witness was, accordingly, discharged.

8. After around 7 years of her lastly entering into witness box, the revisionist moved an application before the learned Trial Court under Section 311 Cr.P.C. seeking permission to re-call PW-6 while also claiming that no opportunity was given to the accused for cross-examination of the abovesaid witness which has resulted in vitiation of her fundamental right guaranteed under Article 21 of the Constitution of India, which ensures fair trial.

9. However, the facts appearing on record are totally different and by no stretch of imagination, it can be said to be a case of denial of any fair opportunity.

10. On the contrary, the defence was accommodated on multiple occasions.

11. Moreover, it is not explained as to why the abovesaid application was filed after delay of 7 years and merely because there is change in the defence counsel would not mean that everything should start *de-novo*.



12. This Court, therefore, does not find any reason to interfere with the impugned order as there is no illegality or impropriety therein and the discretion has been exercised by learned Trial Court in a judicious manner.

13. The present petition is, accordingly, dismissed.

14. Pending application also stands disposed of.

15. The next date i.e. 28.07.2026 is cancelled.

MANOJ JAIN, J

APRIL 2, 2026/ss/sa