

08.08.2026

Present: Sh. Jayaditya, Ld. APP for the State.
Ld. LAC Sh. Rajeev Jain for the complainant.
All accused persons with Ld. Counsel Sh. Irshad.
PW Rajmati and PW Ankit in person.

Matter is listed for PE.

1. Ld. Counsel for accused persons has produced a copy of FIR no. 388/2025 PS Sangam Vihar registered u/S 323/341/354A/509/34 IPC pending trial before the court of Ld. Mahila Court. It is submitted by Ld. Counsel that both the FIRs i.e. 388/2025 and 744/2023 arise out of the same occurrence and contain substantially rival versions of the same incident. Therefore, the manner in which the two matters are to be tried requires consideration in the light of the settled principles governing trial of cross-cases.

2. The Hon'ble Supreme Court in *Nathi Lal & Ors. v. State of U.P. & Anr.*, 1990 Supp SCC 145, has laid down the procedure to be followed in cases involving cross-cases. It has held that the fair procedure is that the same Judge should try both cross-cases one after the other; after completion of evidence in one case, arguments may be heard and judgment reserved, whereafter the cross-case should be tried and its arguments heard and judgment reserved. Thereafter, the same Judge should dispose of both matters by separate judgments. The Court has further cautioned that, while deciding either case, the evidence recorded in the cross-case cannot be looked into and each case has to be decided independently on the evidence recorded therein.

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3. The aforesaid principle has subsequently been reiterated by the Hon'ble Supreme Court in *Sudhir & Ors. v. State of M.P. & Ors.*, (2001) 2 SCC 688, wherein the Court observed that where two criminal cases relate to the same incident, it is a salutary practice that they are tried and disposed of by the same Court, with judgments being pronounced in both cases. The rationale is, inter alia, to prevent the possibility of conflicting judgments and to ensure that an accused is not prejudiced by a finding recorded in the other case.

4. In State of *M.P. v. Mishrilal (Dead) & Ors.*, (2003) 9 SCC 426, the Hon'ble Supreme Court again directed that cross-cases arising from the same incident should be decided by the same Court in accordance with the guidelines laid down in *Nathi Lal*, observing that trying such cases before different Courts may result in conflicting judgments concerning the same occurrence.

5. The aforesaid principle does not mean that the two cases are to be amalgamated or that the evidence of one case becomes evidence in the other. The two cases are required to retain their separate identity and have to be adjudicated independently on their respective evidence.

6. In view of the above settled legal position, this Court is of the considered opinion that the present case and the aforesaid cross-case ought to be tried by the same Court, so as to avoid the possibility of conflicting findings concerning the same occurrence and to ensure a fair and consistent adjudication.

7. Accordingly, let the present file be put up before Ld. Principal District and Sessions Judge, South, Saket for passing appropriate order on **20.08.2026 at 02:00 pm.**

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8. Both the parties are directed to appear before Ld. Principal District and Sessions Judge, South, Saket on the above-said date and time.

(Chatinder Singh)
JMFC-04, South, Saket
New Delhi / 08.08.2026