

SC No.:31/2018
FIR No.:221/2016
PS: Civil Lines
State Vs Sabab Ali & others
CNR No. DLCT01-000433-2018

16/02/2026

Present: Mr. Himanshu Garg, Ld. Addl. PP for the State.
Accused Sabab Ali and Shakib Mohd. are on bail.
Accused Furkan @ Nadeem not produced from JC.
Mr. Y.K. Gautam, Id. Counsel for all accused persons.

IA No.08/2026: This is an application seeking recalling of PW-13 filed filed on behalf of applicant / accused.

Ld. Counsel for applicant / accused submits that IO could not be cross examined and his cross examination is essential for the just decision of the case.

On the other hand, Id. Addl. PP submits that it is an old case and ample opportunities have been granted to the accused to cross examine PW-13.

I have heard Id. Counsels for the parties and perused the record.

The perusal of the file shows that examination in chief of PW-13 was completed on 01/02/2024 and his cross examination was deferred. Thereafter, on the ground of non appearance of accused Furkan, the matter was repeatedly adjourned. On 08/04/2025, witness was present but the matter was adjourned on the ground that Id. Counsel for accused was not prepared. On 15/07/2025, he was again present and request was made that

main counsel was not well. Thereafter, right to cross examination was closed and the matter was listed for SA.

The present application has been filed almost after 07 months from the date of the order where the right of the accused to cross examine was closed. It clearly shows that accused is intentionally delaying trial. The reasons mentioned in the application although do not inspire confidence, however, in the interest of justice, subject to cost of Rs.7,500/- (each) imposed upon accused Sabab Ali and Shakib Mohd to be deposited in DLSA, one last and final opportunity is granted. PW-13 shall only be summoned once the payment of receipt of cost is placed on record. It is also made clear that if PW-13 is not available in any manner, his evidence shall be read as it is.

Application stands disposed off.

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It is submitted by the Naib Court attached to this court that on account of AI Summit, accused are not being produced from JC.

Issue production warrant against accused Furkan @ Nadeem for 12/03/2026.

(ANKUR JAIN-I)
ASJ-04/DELHI/16/02/2026