

SC No.27521/2016
FIR No.398/2014
PS:I.P. Estate
State Vs Vishva Bandhu
CNR No. DLCT01-000619-2014

04/12/2025

Present: Mr. Himanshu Garg, Ld. Addl. PP for the State.
Accused on bail.
Mr. Abhishek Sharma and Mr. Ajay Sharma, Id.
Counsels for accused.
Mr. Arvind Kumar, Id. Counsel for complainant.

IA No.02/2025:- This is an application for recalling of PW-36 for cross examination.

The application has been filed on behalf of accused seeking recalling of PW-36 on the ground that the main counsel was busy in the Hon'ble High Court and Saket court. Affidavit of the accused alongwith the copy of the ordersheet has been filed. It is submitted that counsel for the accused was under genuine difficulty and therefore, he could not appear.

The perusal of the file shows that specifically this court had fixed the cross examination of PW-36 at 2:00 PM on 13/11/2025 as it is an old matter. The reasons in the application do not inspire confidence. Cross examination is an essential right. Hence, in the interest of justice and subject to cost of Rs.20,000/- imposed upon the accused, out of which Rs.10,000/- to be paid to the witness, Rs.5,000/- to be paid to complainant and Rs.5,000/- to be deposited in DLSA, the application stands allowed subject to the following conditions:-

‘PW-36 should be available for cross examination in the eventuality of his non availability for any reason, his evidence shall be read as it is. Secondly, not more than one hour shall be granted to the ld. Defence counsel to cross examine the witness as he has been partly cross examined.’

With these directions, application stands allowed.

Cost be paid on the next date of hearing. In case cost is not paid / deposited, the witness PW-36 shall not be allowed to be cross examined under any circumstances.

Application stands disposed off.

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PW-37 Sh. Jai Karan Rana examined, cross examined and discharged.

Put up for PE on 12/01/2026. Let witnesses PW-36 be summoned for the next date of hearing.

(ANKUR JAIN-I)
ASJ-04/DELHI/04/12/2025