

SC 175/21  
STATE Vs. SUNIL & ORS.  
FIR No. 235/2020  
PS (Kalyan Puri)

20.09.2024

Pr.: Sh. Gaurav Pandey, Ld. Addl. PP for the State.

All the three accused persons are present on bail.

Ms. Mahima Aggarwal, Ld. Counsel for accused persons.

Fresh vakalatnama filed on behalf of accused persons.

Case is listed today for consideration of application under Section 311 Cr.P.C.

Arguments on above application heard and record perused.

Perusal of the record shows that examination in chief of PW-1 Manish Pal and PW3 Rahul Pal were recorded on 19.09.2023 and 05.12.2023 respectively and at request of counsel/proxy counsel, matter was adjourned for their cross-examination. On 19.02.2024, when both PW-1 and PW3 appeared for their cross-examination, they were not cross-examined by Ld. Counsel for the accused due to his non-availability, hence, opportunity for cross-examination was closed on that day.

Since, both these witnesses are material witnesses as PW-1 Manish Pal is complainant and PW3 Rahul Pal is his brother, who was present at the place of incident and has witnessed the same, it will be in the interest of justice to allow one opportunity for cross-examination of PW1 and PW3. But at the same time, accused should be burdened with some cost for delaying the

matter. Accordingly, in the interest of justice, application under Section 311 Cr.P.C. is allowed. Only one effective opportunity for cross-examination of PW-1 and PW3 will be given to accused persons subject to cost of Rs.1,000/- to be deposited by each of the accused persons with DLSA, East. No further opportunity will be given for cross-examination on any ground.

PW-1 Manish Pal and PW-3 Rahul Pal be recalled for cross-examination on **25.10.2024**. **Receipt of cost be also filed by accused persons, on next date of hearing, before cross-examination of witnesses.**

Put up on **25.10.2024** for PE. Date given as per convenience of Ld. Counsel for accused persons.

(Shail Jain)  
Principal District & Sessions Judge,  
East District, KKD Courts, Delhi.  
20.09.2024 (mk)