

SC 720/2022
STATE Vs. PAWAN GUPTA AND ORS.
FIR NO. 284/2020
PS MANDAWALI

05.12.2025

Present: Sh. Gaurav Pandey, ld. Addl. P. P for the State.

All the three accused persons on bail with
counsel Sh. Ankit Aggarwal.

Arguments advanced on the application under Section 311 Cr.P.C. filed on behalf of the State to recall PW-2 namely Vicky.

It is stated that PW-2 Vicky has deposed that the offence was committed with him on 08.06.2020, however, as per his complaint and other documents, the offence was committed on 08.07.2020. It is submitted that it seems that date of offence has been recorded inadvertently as '08.06.2020' and hence, the clarification needs to be made to re-examine PW-2 on this point.

The application has been strongly opposed by Ld. counsel for accused persons, who has emphasized that a doubt is created about the authenticity of the complaint made by the complainant as he has not been able to tell the correct date of incident. Hence, any such re-examination of PW-2 will cause prejudice to the accused persons.

In view of the objection made by Ld. counsel for accused persons and further considering that wrong mentioning of the date of commission of offence can be attributed to the

human memory if the witness has otherwise supported the prosecution case, I do not find any reason to re-examine PW-2 for making any correction in the date of incident mentioned by him in his evidence. Accordingly, **the application under section 311 Cr.P.C. of the State is hereby dismissed.**

Nothing herein shall tantamount to expression of any opinion on the authenticity of the prosecution case.

Put up for final arguments on **15.01.2026.**

(SUKHVINDER KAUR)
Principal District & Sessions Judge
East District, KKD/Delhi/05.12.2025