

SC 372/2018
STATE Vs. AMZAD MANDAL
FIR No. 482/2018
PS Vasant Kunj North
18.03.2026

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State.
Sh. M. Nabi, Ld. counsel for accused along-with
accused.

PW13 ASI Arvind Kumar examined is further cross
examined and discharged.

An application has been filed on behalf of accused
u/s 348 BNSS/311 CrPC for recalling of PW11 ASI Raj Kumar
Verma. Copy of application is supplied to State. Ld. Addl. PP for
State objects to the application stating that the same has been
filed to cause inordinate delay to the trial and to fill up the
defence loopholes. It is submitted that the witness was already
examined on 03.04.2024 and despite that the application has been
filed today only. That belated filing shows intention of the
accused to fill up the lacuna in his case. It is submitted that the
application deserves to be dismissed.

Ld. Counsel on the other hand, submits that he had
sustained the paralytic attack in the year 2020 which has
rendered him prone to occasional and frequent physical ailments
including adverse effect on his memory. He submits that the
accused should not be made to suffer for no fault of his.

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I have heard the respective arguments and have perused the records.

Admittedly, PW11 ASI Raj Kumar Verma is a material witness to the recovery of the alleged contraband and he has not been cross examined by the accused. Record shows that on 03.04.2024 when this witness was examined, the counsel of the accused was not present. The Court is of the view that the accused can not be made to suffer in the circumstances which he is bound to if the testimony of this witness goes unrebutted.

In the interest of justice, the application is allowed subject to the strict condition that only one effective opportunity would be granted to the accused to cross examine PW11 ASI Raj Kumar Verma. Application stands disposed off accordingly.

Issue summons to PW11 ASI Raj Kumar Verma and MHCM along-with entire case property for NDOH.

Matter be listed for PE on **04.04.2026**.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
18.03.2026/r