

CNR No.:DLNT01-000746-2012
SC No. 57868/2016
STATE Vs. Deepak Kaushik & Ors.
FIR No. 116/2011
PS Crime Branch-Outer
U/s: 489(B)/489(C) IPC

19.10.2023

Present: Sh. A. B. Asthana, Ld. Addl. PP for State.
***Accused Ashok Kumar has already been
discharged vide order dated 23.04.2023.***
Both accused persons namely Deepak Kaushik and
Kapil in person on bail.
Sh. Ramit Malhotra, Ld. Counsel for accused
Deepak Kaushik.

Matter is listed today for PE.

PW-1 Retired ASI Sukhbir Singh is present,
examined-in-chief, cross-examined and discharged.

It is has been pointed out by Ld. Counsel for accused
Deepak Kaushik that an application under section 311 Cr. P.C.,
for recalling PW-1 is already pending on record.

It is argued by Ld. Counsel for accused Deepak
Kaushik that on 09.03.2022, Hon'ble Court has closed the
opportunity of afore-mentioned accused to cross-examine PW-1
ASI Sukhbir Singh. It is further submitted that the absence of
counsel for accused is neither deliberate nor intentional but for
afore-mentioned compelling circumstances.

It is further submitted that cross-examination of PW-
1 by applicant's counsel is very much necessary and essential for
just decision of the case. It is therefore, prayed for kindly recall
PW-1 ASI Sukhbir Singh for his cross-examination.

....Contd2/-

Perusal of the file shows that in the present case, charge for the offences punishable under section 489(B)/489(C) IPC has been framed against the accused persons namely Deepak Kaushik and Kapil Kaushik vide order dated 01.10.2013 and thereafter, the matter was fixed up for PE. Perusal of the file further shows that PW-1 ASI Sukhbir Singh has been examined-in-chief, cross-examined by accused Kapil Kaushik but could not be cross-examined by Ld. Counsel for accused Deepak Kaushik despite opportunity given and discharged.

Keeping in view of the submissions made by Ld. Counsel for accused Deepak Kaushik and in the interest of justice, the application U/s 311 Cr. PC., is hereby allowed, subject to the following conditions:-

(i) Only one effective opportunity shall be given for the purpose of cross-examination of PW-1 ASI Sukhbir Singh on behalf of accused Deepak Kaushik;

ii) the said opportunity shall be granted subject to availability of PW-1 ASI Sukhbir Singh and her examination-in-chief shall be read in evidence in case he remains untraceable

(iii) the said opportunity shall be given subject to cost of Rs.1,000/- to be paid by each above-named accused to PW-1 ASI Sukhbir Singh on NDOH.

The application u/s 311 Cr.PC., filed on behalf of accused Deepak Kaushik is hereby allowed, accordingly.

Let fresh summons be issued upon PW-1 ASI Sukhvir Singh through IO concerned for NDOH.

.....Contd3/-

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Be put up for PE on **06.11.2023**.

**(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
19.10.2023 ^(R)**