

17.01.2025

Present: Sh. J. S Malik, Ld. Substitute Addl. PP for the State.  
Accused Vishal and Veer Singh produced from JC.  
Sh. Satyabhan Singh Baghel, Ld. Counsel for  
accused Resham.  
Sh. Aseem Bhardwaj, Ld. Amicus Curaie for  
accused Veer Singh.

Matter is listed for recording of S.A.

At this stage, Ld. Counsel for accused Vishal @ Resham moved an application u/s 311 Cr.P.C for recalling the witnesses i.e., PW-20 Ashok Kumar, PW-21 IO Krishna Kumar, PW-12 Shashi Tiwari, Nisha and PW -25 Suraj Kumar as these witnesses could not be cross examined properly.

Ld. Counsel for applicant/accused also prays to recall the witness Nisha who is not examined.

It is stated that the previous Counsel has not properly cross examined the witnesses and defence of accused was not put to witnesses, therefore, the application.

I perused the file.

The witness Shashi Tiwari and Suraj Kumar are cross examined in detail. Witness Krishan Kumar was a formal witness who had only filed charge sheet, however, witness Ashok Kumar i.e., PW- 20 although cross examined, appears to be insufficiently cross examined as there is not a single suggestion given by the previous defence counsel showing any defence of accused. Only suggestion which was given by defence to witness was Ashok Kumar is deposing falsely. Therefore, application is allowed qua PW Ashok Kumar subject to availability.

So far as witness Nisha is concerned is not examined by prosecution, she, therefore, she cannot be recalled for cross examination in the application of accused. Therefore, the present application is accordingly disposed of.

***PW Ashok Kumar be summoned again through SHO PS concerned,*** for NDOH.

List on 10.02.2025 at 02:00 p.m.

(VIKRAM)  
ASJ-02/Spl. Judge (NDPS)  
North-West, Rohini Courts, Delhi/17.01.2025