

Item No.5.
SC150/2026
State V. Prince Kumar Tyagi

12.08.2026

Present: Sh. V.K. Swami, Ld. Addl. PP for State.
Accused on bail is not present.
Sh. Mukesh Gahlot, counsel for accused.

PW1 Sushma Tyagi is present for her cross-examination and PW Narender Malik is present for his examination.

Counsel for the accused moved an application seeking exemption of the accused from personal appearance for today on the ground that he is admitted in the Rehabilitation Centre and seeks deferment of the examination of the prosecution witnesses.

Adjournment sought by counsel for the accused is strongly opposed by Addl. PP for the State.

Perusal of the record reveals that on 13.03.2026, the accused on bail appeared in the court and submitted that he was not in a position to engage the counsel and requested to provide Legal Aid Counsel. Accordingly, Sh. Bhawan Singh, CLADC was appointed to conduct the proceeding on behalf of the accused. That date, the charges were framed against the accused and the matter was fixed for PE for 29.04.2026 and 30.04.2026.

On 29.04.2026, the accused had not appeared and sought exemption from personal appearance. For the reason mentioned in the order dated 29.04.2026, the said request was

allowed and that day, PW1 Sushma Tyagi, PW2 Anika Tyagi and PW3 Aayu Tyagi were examined-in-chief and their cross-examination was deferred at the request of counsel for the accused on the ground that he had to take some instruction from the accused.

On 30.04.2026, PW1 Sushma Tyagi appeared but she sought time on the ground that she was not feeling well. Accordingly, cross examination of PW1 was deferred.

Again, on 08.06.2026, the accused had not appeared and the application moved to seek exemption from personal appearance of the accused was allowed for the reasons mentioned therein. That day, PW1 Sushma Tyagi was also not present despite that she was bound down for that date. Consequently, bailable warrants for a sum of Rs.5,000/- was issued against her.

Today, PW1 Sushma Tyagi is present for her cross examination. Again, the accused on bail is not present and the application seeking exemption from personal appearance has been moved on behalf of the accused. The application and the valakatnama filed along with it are signed by the accused. Hence, Sh. Bhawan Singh, CLADC is discharged from this case.

In the application, it is specifically mentioned that counsel for the accused shall conduct the proceedings on behalf of the accused. It is nowhere mentioned in the application that the accused has not instructed the counsel to do the needful. Hence, the application is allowed for today only.

PW8 Narender Malik is examined in chief.

This court has given opportunity to counsel for the accused to cross-examine PW1 and PW8. However, counsel for the accused seeks adjournment on the ground that he has been recently engaged and the accused is not available.

Perusal of the record reveals that counsel for the accused filed vakalatnama dated 11.08.2026 which is signed by the accused and the accused has authorized the counsel to conduct the proceeding on his behalf. As such, no ground for adjournment is made out. I am also of the opinion that this is another attempt on the part of the accused to delay the proceeding.

In view of the foregoing discussion, it can be held that the accused is deliberately avoiding the cross examine of PW1 and PW8. At this stage, this court again gives opportunity to counsel for accused to cross examine PW1 and PW8, however he refused to do so. Accordingly, right of the accused to cross examine PW 1 and PW8 is closed.

Put up for remaining PE on 17.09.2026.

(PANKAJ GUPTA)
Principal District & Sessions Judge
South-West, Dwarka Courts
New Delhi/12.08.2026