

SC no.141/2019
State Vs. Chaitanya Bhardwaj and Ors
FIR No. 220/10
PS Neb Sarai

08.10.2024

Present: None for State.
Accused Mohd. Hayat produced from JC (on bail in this case).
Accused Mohd. Salim, Mohd. Arif, Chaitanya Bhardwaj and Sushil @ Goldy are present.
Sh. Saifi Ahmad, Ld. Counsel for accused Chaitanya Bhardwaj along with Adv S Tabrez.
Sh. Sushil Kumar, Ld. LAC for accused Arif and Sushil @ Goldy along with Adv Ms. Mamta Barik.
Complainant in person.
Ms. Surbhi Chopra, Ld. Counsel for complainant through VC.

Sh. Tariq Hashmi, Ld. DCLADC for accused Md. Hayat is stated to be on some training course.

PW1 is under cross examination. However, regular Ld. Additional Prosecutor for the State is on leave today and substitute Prosecutor is stated to be busy in his regular court. **PW1 is, thus, discharged unexamined for today and is bound down for next date of hearing.**

List now for further prosecution evidence on 25.11.2024 at 02:00pm and 28.11.2024 at 02:00pm.

Shorter dates were proposed to both the sides but for one or other reason, those were not suitable to either of them.

There is an observation of the Supreme Court of India in **Surender Singh Vs. State (NCT of Delhi)** dated **03.07.2024** that as far as possible, the defence should be asked to

cross examine the witness the same day or the following day and only in very exceptional case, and for reasons to be recorded, such as under sub-section (2) of section 231 of Cr.P.C, the cross examination should be deferred and a short adjournment can be given after taking precaution and care for the witness, if it is required.

This court makes every possible endeavor to comply the aforesaid observation but given the fact that more than 190 cases in this Court are at the stage of evidence and it is noted that on the dates fixed for recording of evidence of witnesses, either for the absence of the witness despite service or for the absence of counsel for the defence as well as some times for the witness or for want of FSL result or for some other reason at the end of the prosecution or defence or for any other reason beyond control, in some cases, the cross examination of the witness gets deferred.

(NAVJEET BUDHIRAJA)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/08.10.2024