

**CNR No. DLST01-003621-2022
SC No. 174 of 2022
State Vs Vicky & Anr.
FIR No. 678/2021
PS Ambedkar Nagar**

13.12.2024

With effect from 25.11.2024 till 24.12.2024, one regular Stenographer is on leave for the said period and this Court is functioning with one regular Stenographer except on the days where the substitute stenographer may be provided from pool section.

Today no substitute stenographer has been provided.

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
Both accused produced from JC.
Sh. Vijay Kumar, Ld. Counsel for both accused.
PW Ram Kumar in person.

Matter is listed for further prosecution evidence.

PW6 Ram Kumar has been examined-in-chief by State, cross-examined on behalf of both the accused persons and discharged.

At this stage, an application under Section 348 of BNSS, 2023 for recalling PW4 Manish has been moved on behalf of the both the accused persons.

It is submitted that PW4 Manish could not be cross-examined by Ld. Counsel for both the accused persons owing the personal difficulty of the counsel and since PW4 Manish is a material witness, grave prejudice would be caused to the accused persons. It is further submitted that non-appearance of the counsel on the day when opportunity to cross-examine PW4 was closed was neither intentional nor deliberate but due to unavoidable circumstances.

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Ld. Additional PP for the State has no objection to the same subject to the availability of the witness.

Submissions heard.

In view of the above, **application under Section 348 of BNSS 2023 for recalling PW4 Manish is allowed subject to availability of the witness and payment of cost of Rs 1,000/- to the witness by the accused persons.**

Let PW4 Manish be re-called through the SHO concerned for next date of hearing for his cross-examination.

List now for further prosecution evidence on 07.02.2025.

(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/13.12.2024