

IN THE COURT OF SH. PURSHOTAM PATHAK,
ADDITIONAL SESSIONS JUDGE-05,
SOUTH DISTRICT, SAKET COURTS, NEW DELHI



Cr Rev/555/2025

DLST010187702025

BIJENDER SINGH BHATI Vs. AMOD KHANNA

11.05.2026

Present: Sh. Janak Raj Ambavat, Ld. counsel for revisionist.
None for the respondent.
Written submissions filed on behalf of the
revisionist.
Put up at 4.00 PM.

(Purshotam Pathak)
ASJ-05(South), Saket Courts, Delhi
11.05.2026

ORDER

At 4.00 PM.

Present: Sh. Janak Raj Ambavat, Ld. counsel for revisionist.
None for the respondent.

The present revision is with regard to relief of
setting aside of order dated 07.05.2025, whereby the right of

accused to lead DE stands closed and order dated 22.09.2025, whereby the application for review of order dated 07.05.2025 was also dismissed. It is stated in the revision petition that revisionist/accused was actively and diligently participating in leading defence evidence. It is stated that DW-1 was examined in chief on 21.01.2025 and his cross examination was deferred at the request of complainant. It is stated that on 01.03.2025, summons sent to DW-2 were not received back in the Court. On 16.04.2025, previous counsel of the revisionist/accused sought adjournment due to ill health of accused. Again on 27.04.2025, previous counsel took adjournment on bonafide grounds and consequently the right of the accused to lead DE was closed on the grounds that no steps were taken for examination of DW-2. It is stated that revisionist/accused did consistent efforts to lead DE and the delay so occurred was neither deliberate nor willful. It is further stated that DW-1 & 2 are crucial witnesses and closure of right of DE would result in grave miscarriage of justice.

Ld. counsel for the revisionist/accused has argued on the lines of the grounds taken by him in the revision petition. It is argued that there is no deliberate misconduct on the part of the revisionist/accused in examining defence witnesses. It is argued that no prejudice would be caused to the opposite party in case, opportunity is granted to the revisionist/accused to conclude DE.

Ld. counsel for the respondent/complainant has strongly opposed the revision submitting that appellant/accused wilfully did not examine DW-2 despite sufficient opportunities

with sole motive to delay the trial of the case, which is already over delayed, as the matter pertains to year 2016.

I have heard the submissions of both the parties and gone through the record.

Perusal of the order dated 07.05.2025 reveals that no steps have been taken by the revisionist/accused for examination of defence witnesses and unnecessary adjournments are being taken, resulting into delay in trial. Though, revisionist/accused filed review application in against the order dated 07.05.2025 whereby right to lead DE was closed, however, the said application was dismissed by the Ld. Trial court vide order dated 22.09.2025 with the finding that Ld. Trial Court does not have power to review its own order.

The matter is fixed for final arguments before the Ld. Trial Court and it has now been around 1 year since the opportunity was closed. No doubt the matter pertains to year 2016 and the conduct of the revisionist / accused does not deserve adequate leniency as in addition to taking unnecessary adjournments, BWs were also issued against him vide order dated 28.10.2025 after which the matter is in revision before this court.

Considering the facts and circumstances in entirety and in order to meet the ends of justice, **two effective opportunities are accorded to the revisionist/accused to conclude DE on the dates to be fixed by Ld. Trial Court with the consent of the parties, subject to cost of Rs. 10,000/- to be paid to the complainant.**

The revision petition stands disposed of accordingly with aforesaid directions. **Revision petition stands allowed. The impugned order dated 07.05.2025 and 22.09.2025 are set aside.**

TCR along with copy of this order be sent to Ld. Trial Court.

Revision file be consigned to the record room after due compliance.

**Announced in the open
Court on 11.05.2026**

**(Purshotam Pathak)
Additional Sessions Judge-05
South District, Saket Courts,
New Delhi**