

**IN THE COURT OF SH. PULASTYA PRAMACHALA
ADDITIONAL SESSIONS JUDGE-03, NORTH-EAST
DISTRICT KARKARDOOMA COURTS: DELHI**

CNR No. DLNE01-002410-2020
SC No. 120/20
State v. Mohd. Tahir Hussain etc.
FIR No. 65/20
PS Dayalpur

24.05.2025

ORDER ON APPLICATION u/s. 348 BNSS

1. Vide this order, I shall decide an application u/s. 348 BNSS, for recall of PW31/Sh. Indresh Kumar Mishra, as moved on behalf of prosecution.
2. Briefly stated, Id. Special PP moved this application yesterday, thereby seeking recall of PW31/Sh. Indresh Kumar Mishra, on the grounds that inadvertently he could not put questions to this witness in respect of his second report dated 09.06.2020, which relates to DNA examination. Id. SPP submitted that it was an inadvertent omission on his part, to not ask this witness about his aforesaid report regarding DNA examination. However, that report is an important piece of evidence and, therefore, PW31 be recalled for his examination regarding aforesaid DNA report.
3. Mr. Abdul Gaffar, Ms. Shavana and Ms. Sonal Sarda, Id. defence counsels though appeared before the court, but they did not opt to make any specific arguments on this application. Other defence counsels did not opt to appear at all, to contest this application.
4. I have perused the record. It is matter of record that there is one report dated 09.06.2020 purportedly prepared by PW31. It is also

well reflected that this report was not tendered in evidence during his examination. There is no doubt that this report is also one important piece of evidence in this case. In such situation, I deem it fit to allow this application. Accordingly, application is allowed and PW31/Sh. Indresh Kumar Mishra, be recalled for upcoming date.

Ordered accordingly.

Announced in the open court (PULASTYA PRAMACHALA)
today on 24.05.2025 ASJ-03 (North- East)
(This order contains 2 pages) Karkardooma Courts/Delhi