

IA No. 03/2025 in
CBI No. 64/2022
CNR No. DLCT11-000760-2022
CBI v. Sanjay Kumar (ASO)
RC No. DAI-2022-A-0036-CBI/ACB/New Delhi
Under Section 7 of PC Act, 1988
(As amended in 2018)

13.01.2026

Present: Sh. Mandeep Singh Mann, PP for CBI.
IO Inspector Mukesh Kumar Mishra in person.
Accused Sanjay Kumar is on bail.
Sh. Yudhisthar Kahol, counsel for the accused Sanjay Kumar.

An application (IA No. 3/2025) under Section 311 CrPC preferred on behalf of the accused for recalling PW-4 Sh. Sachin Praveen Patole for the purpose of further cross examination is pending.

Reply to the application has been filed by CBI today. Copy thereof supplied to the counsel for accused.

Arguments on the application heard. Record perused.

Counsel for the accused has submitted that after the conclusion of testimony of PW-4 Sh. Sachin Praveen Patole in the instant case on 08.05.2024, the said witness was examined in the Departmental Inquiry being conducted against the accused by the Department and that during his examination before the Inquiry Officer, PW-4 Sh. Sachin Praveen Patole has revealed certain new facts in respect of the instant case. He has submitted that for the defence of the accused and the proper adjudication of the case, PW-4 Sh. Sachin Praveen Patole is required to be confronted with the statement made by him in the Department Inquiry and therefore, he be recalled for the purpose of his further cross examination by the accused.

The application has been opposed by PP for CBI. He has submitted that PW-4 Sh. Sachin Praveen Patole had been cross examined at length on behalf of the accused and mere minor variations or elaborations given by the witness in his examination in the Departmental Inquiry cannot be a ground for recalling him under Section 311 CrPC. He has contended that Criminal Trial and Departmental Inquiry are separate proceedings independent of each other and the deposition made by the witness in one proceeding cannot have any effect in the adjudication of the other proceeding. He has argued that since the application on hand is only a dilatory tactics to prolong the trial, it deserves to be dismissed.

No doubt, the scope of Inquiry in a Departmental Inquiry is different from the principles governing a Criminal Trial, however, the Court cannot lose sight of the fact that in a Criminal Trial, cross examination of the prosecution witness is a vital tool in the hands of the accused. The premise on which the application on hand has been moved is that after the recording of his evidence in the instant case, PW-4 Sh. Sachin Praveen Patole, who is the complainant, has revealed certain new facts in his examination before the Inquiry Officer. That being so, an opportunity deserves to be granted to the accused so that he is able to confront PW-4 Sh. Sachin Praveen Patole with the said new facts disclosed and is able to defend himself effectively. Considering the same, the application (IA No. 3/2025) under Section 311 CrPC preferred by the accused is allowed subject to availability of the witness. However, it is made

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clear that only one effective opportunity is being accorded and the further cross-examination of the witness shall be only for the limited purpose of confronting him with the new facts revealed by him in his examination in the Departmental Inquiry.

PW-4 Sh. Sachin Praveen Patole be summoned for the next date.

Put up for further cross examination of PW-4 on **05.02.2026**.

The date has been given as per the convenience of the defence counsel.

(Smita Garg)
Special Judge (PC ACT) (CBI)-13,
Rouse Avenue District Court,
New Delhi: 13.01.2026