



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010141802025
+ **CRL.M.C. 1873/2025**

NAVEEN SOOD & ORS.

.....Petitioners

Through: Mr. Anuj Kumar Sharma and Mr.
Ashish Parihar, Advs.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP
SI Sahil, PS Paharganj.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **24.08.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 25996/2026 (exemption)

2. Allowed, subject to all just exceptions. Accordingly, the application stands disposed of.

CRL.M.A. 25995/2026 (for directions)

3. The present application has been filed on behalf of the petitioners under section 528 of the Bharatiya nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking the following reliefs:

“a) Direct the Learned Trial Court to defer the hearing /recording of evidence of PW-20 for a date after 28.10.2026 i.e. the date fixed for hearing of the present case and/or Direct the present matter to be heard prior to 24.08.2026, and;

b) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

4. Learned counsel for the petitioners submits that the main petition



concerns the challenge to the order dated 16.04.2024 whereby the petitioners' application under Section 311 Cr.P.C. seeking recall of PW-1/Sunil Madan for further cross-examination was dismissed, and is presently listed for hearing on 28.10.2026. He submits that the proceedings before the learned Trial Court have continued in the meantime and are at the stage of cross-examination of PW-20/ACP Sukhdev Meena. He submits that the issue of recall of PW-1 ought to be adjudicated before the cross-examination of PW-20 is concluded, as certain aspects of the deposition of PW-1 may be required to be put to the Investigating Officer.

5. Learned APP for the State vehemently opposes the present application and submits that an earlier application under Section 311 Cr.P.C. had already been allowed on 24.08.2016, pursuant to which PW-1 was cross-examined on 22.10.2016. Thereafter, in 2023, the petitioners moved another application seeking recall of the same witness which was dismissed by the learned Trial Court and the order of dismissal is under challenge in the main petition.

6. I have heard the parties and perused the material on record.

7. A perusal of the application shows that the petitioners are essentially seeking either deferment of the proceedings before the learned Trial Court qua PW-20 till after 28.10.2026, or preponement of the date of hearing of the present petition.

8. In this regard, it is pertinent to note that this Court, vide order dated 03.11.2025, had already directed the learned Trial Court to proceed with the matter and had expressly clarified that there was no stay of the proceedings.

9. In view of the aforesaid, this Court is not inclined either to defer the proceedings before the learned Trial Court or to prepone the date fixed in the present petition. No sufficient ground has been made out for granting either



of the reliefs sought in the present application.

10. Accordingly, the application stands dismissed.

CRL.M.C. 1873/2025

11. List the matter on 28.10.2026.

12. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 24, 2026/sd