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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 1st September, 2026

CNR No. DLHC010139432024

+ **CRL.M.C. 2176/2024**

CHHOTE LAL

.....Petitioner

Through: Ms. Hemlata Jaimini, Advocate
(through V.C.)

versus

STATE OF NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for the
State with SI Rupesh Raj.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner herein is facing trial for committing offences under Sections 354A/354D IPC and also for offence under Section 12 of *Protection of Children from Sexual Offences (POCSO) Act, 2012*.
2. The concerned child-victim entered into witness box on 15.04.2019 and was cross-examined same day and was discharged.
3. In the year 2023, the petitioner i.e. accused filed an application seeking her re-calling as well as re-calling of her parents for further cross-examination.
4. The learned Trial Court *vide* order dated 24.01.2024 has dismissed such application holding that no ground for re-calling was made out.
5. It is in the abovesaid backdrop that the present petition has been filed under Section 482 Cr.P.C. seeking invocation of inherent power of this Court.



6. It is contended that if the application is not allowed and an opportunity is not granted to the accused, it would amount to denial of fair trial. It is submitted that the prosecutrix was cross-examined by a *legal aid counsel* and the cross-examination is, virtually, non-existing one as it is very sketchy and except for putting few stray questions and value suggestions, no material question and suggestion has been put to her.

7. Fact, however, remains that though the petitioner wanted re-calling of three witnesses, the present petition merely seeks re-calling of the girl-victim only.

8. On the last date, when the matter was taken up by the learned Predecessor Bench, it was observed that there was no appearance from the side of respondent No.2 despite service and, therefore, she was directed to be served afresh.

9. Learned APP for the State submits that she has been duly served but despite there being due service upon her, there is no appearance from her side.

10. During course of arguments, learned counsel for the petitioner submits that PE is already complete and the case is now fixed for recording of statement of accused on 07.09.2026.

11. Keeping in mind the overall facts and circumstances of the case, the sketchy cross-examination conducted by the previous counsel and the fact that there is no response from the side of the respondent No.2 despite the fact that she has been served twice in the present matter, the present petition is disposed of with the direction to the learned Trial Court to re-call victim child i.e. PW-1 for further cross-examination by the accused.

12. Petitioner is also burdened with cost of Rs.2,000/- which shall be payable to the witness on the date she appears before the Court for recording



of further deposition.

13. The learned Trial Court, subject to its board position, would fix up a date for such cross-examination and it is clarified that the petitioner herein would be entitled to only one, *albeit*, effective opportunity in this regard.

14. The present petition is disposed of in aforesaid terms.

15. A copy of this order be sent to the learned Trial Court for information and compliance.

(MANOJ JAIN)
JUDGE

SEPTEMBER 1, 2026/ss/sk