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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 06th February, 2026*

+ CRL.M.C. 641/2026 & CRL.M.A. 2524-2525/2026

AJAY JINDALPetitioner

Through: Mr. Anand Kumar, Mr. Pankaj Aggarwal and Mr. Harshit Rajput, Advocates

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Sunil Kumar Gautam, APP for State

SI Prashant Kumar, PS North Rohini

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is facing trial for commission of offences under Section 354A *Indian Penal Code, 1860* and Section 8 of *Protection of Children from Sexual Offences Act, 2012*, arising out of FIR No. 31/2019 dated 24.01.2019, registered at P.S. Rohini, Delhi.

2. Charges were framed and the prosecution examined all its witnesses and the case was fixed for final arguments.

3. It was at that stage of the case that an application under Section 311 Code of Criminal Procedure, 1973 was filed by the accused (petitioner herein), whereby he prayed that PW-1, PW-2, PW-3, PW-4, PW-6, PW-7, PW-8 and PW-12 be recalled for cross-examination. According to the case of petitioner, prosecution seemed to be relying upon some CCTV footage. However, such CCTV footage, reportedly contained in a pen-drive, was never



played during the trial and was not even sent to FSL. In order to disprove the allegations against him, the accused wanted such CCTV footage to be played and to confront all the witnesses with the same. However, his such application was dismissed by the learned Trial Court on 13.08.2025.

4. Interestingly, when application under Section 311 of Code of Criminal Procedure, 1973 was filed by the prosecution, contending that the pen-drive was containing piece of evidence which was important for the just decision of case, as the victim her father and mother were talking about the CCTV camera installed in the Diagnostic Centre where the alleged incident had taken place, and when a request was made that the prosecution may be permitted to play CCTV footage before the victim, such request was allowed by the learned Trial Court *vide* order dated 26.11.2025. Interestingly, when similar relief was sought by the accused, it was denied.

5. Learned counsel for petitioner/accused submits that CCTV footage would be important even in context of other witnesses.

6. Fact, however, remains that the aforesaid CCTV footage has yet not been played before PW-2/victim, and next date of hearing before the learned Trial Court is stated to be 21.02.2026 for the aforesaid purpose.

7. Keeping in mind the overall facts of the case, present petition is disposed of with direction to learned Trial Court to re-consider the aforesaid application filed by the accused under Section 311 of Code of Criminal Procedure, 1973 afresh, after PW-2/victim is further examined, CCTV footage in question is played in her presence, and she is also cross-examined by the accused with respect to such CCTV footage. Such consideration of the aforesaid application, afresh, shall be without being influenced by the impugned order dated 13.08.2025.



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8. Needless to say, in case the aforesaid application is again dismissed, accused/petitioner would be at liberty to approach this Court.
9. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)
JUDGE**

FEBRUARY 6, 2026/dr/sa