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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 20<sup>th</sup> May, 2026*

+ CRL.M.C. 4013/2026 & CRL.M.A. 16269/2026 & CRL.M.A. 16270/2026

FIROZ .....Petitioner

Through: Mr. Chinmay Kanosia, Advocate.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Rajat Nair, SPP for State with  
Mr. Madhukar Pande, SPP and Mr.  
Dhruv Pande and Ms. Ananya Bose,  
Advocates.  
SI Soamya Kulhar, Crime Branch.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Applicant is facing trial in a murder case related to North-East riots.
2. FIR in question is FIR No.65/2020 registered at P.S. Dayal Pur for commission of offences under Sections 147 / 148 / 149 /436 / 153-A /505 /365 /302/201/120B/34 IPC and Section 25 of Arms Act, 1959.
3. The case is already at the stage of final arguments and it is informed that the oral arguments have already been heard and the next date before the learned Trial Court is 22.05.2026, for filing written submissions and precedents.
4. The applicant, who is one of the 11 accused persons in the abovesaid murder case, moved an application under Section 311 Cr.P.C. praying therein that PW-6 Pradeep Verma may be recalled for cross-examination as he had



made a different statement when he appeared as prosecution witness in case related to FIR No.98/2020, P.S. Khajuri Khas. He submits that since his testimony goes to the root of the matter, he needs to be confronted for coming up with different statements, made on oath. He submits that in the present case, PW-6 Pradeep Verma had entered into witness box on 21.08.2023 whereas in other case, he was examined on 24.07.2025 and when the abovesaid grave anomaly came to their knowledge, application was moved seeking his cross-examination.

5. Such application has been disallowed by learned Trial Court *vide* order dated 15.05.2026.

6. Such order is under challenge.

7. Learned SPP for respondent/State appears on advance notice and submits that the case has already got delayed considerably and Hon'ble Supreme Court in its order 13.03.2026, passed in Miscellaneous Application No.550/2026 in SLP(Crl.) No.12317/2024 has extended the outer limit to dispose of the matter and in view of the abovesaid specific directions given by Hon'ble Supreme Court, it will not be appropriate to reopen the trial. He submits that, in any case, the abovesaid witness i.e. PW-6 Pradeep Verma was cross-examined in the other criminal matter on 24.07.2025 and, if at all the applicant was of the view that his cross-examination was imperative, he should have moved application immediately whereas the application was moved only in the month of February, 2026. Moreover, the testimony of PW-6 Prateek Verma is not concerning the petitioner only, as his deposition is *qua* other co-accused also. In such a scenario, if the permission is granted to the applicant, it would amount to reopening the entire matter, frustrating the timeline stipulated by the Hon'ble Supreme Court, which already stands



breached.

8. Undoubtedly, the Court has powers to summon any person as a witness or recall any person already examined if his evidence appears to be essential to the just decision of the case. However, in the present case, the application is found to be belated. Learned Trial Court also relied upon *Saud Faisal vs. State of Uttar Pradesh & Anr.* in Special Leave to Appeal (Crl.) No(s). 5647/2022 dated 21.06.2022 wherein also it is held that accused has no right to recall a witness merely for the reason that such witness had given a different statement in another case.

9. Evidently, the petitioner should have been quick and swift and should have filed any such application immediately after 24.07.2025, once the testimony of PW-6 Pradeep Verma had been recorded in the other case. His belated action, therefore, calls for no interference.

10. The petition is, accordingly, dismissed.

11. The petitioner would be at liberty to place on record the testimony of the abovesaid witness, as recorded in the other case along with his written submissions, *albeit*, it will be entirely up to the learned Trial Court to consider the same, strictly, written the four corners of law.

12. The petition stands disposed of in abovesaid terms.

13. Pending applications also stand disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 20, 2026/st/sy**