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

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*Judgment reserved on: 08.10.2026**Judgment pronounced on: 27.10.2026**Judgment uploaded on: 27.10.2026*# **CNR No. DLHC011555052014**+ **TEST.CAS. 105/2014**

GOPAL CHANDRA BOSE

.....Petitioner

Through: Mr. Rohan Khanna, Advocate

versus

STATE & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Ms. Pearl
Khurana and Mr. Shantanu
Patel, Advocates for GNCTD
Ms. Shumaila, Advocate for R-
3 and R-7
Mr. Rajeshwar Kumar Gupta,
Advocate for R-4

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****I.A. 5080/2026 (seeking permission to cross examine PW-6
through VC)**

1. The present application has been filed by the applicant seeking permission for conducting cross-examination of PW-6, Smt. Krishna Sen, aged about 71 years, through video conferencing, as the matter



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is listed before the learned Joint Registrar for her cross-examination.

2. The learned counsel appearing on behalf of the applicant submits that the present matter is at the stage of cross-examination of PW-6, Smt. Krishna Sen. It is submitted that PW-6 is about 71 years of age, resides in Uttarakhand and is suffering from age-related health conditions, on account of which she has been specifically advised rest by her doctor. It is, therefore, contended that she is unable to appear physically before this Court for her cross-examination. The learned counsel further submits that PW-6 has already travelled to Delhi on three occasions and had remained present for her cross-examination on 05.11.2024, 10.02.2025 and 24.07.2025. However, her cross-examination could not take place on any of the said dates. It is submitted that on 05.11.2024, an adjournment had been sought by the learned counsel for the respondent on account of the latter's illness; on 10.02.2025, the Court was on leave; and on 24.07.2025, the learned counsel for the petitioner was unavailable due to a bereavement in the family. In view of the aforesaid circumstances, learned counsel submits that PW-6 may be permitted to be cross-examined through video conferencing, so as to avoid further inconvenience to the elderly witness and ensure that the proceedings are not unnecessarily delayed.

3. Having **heard** the learned counsel appearing on behalf of the petitioner/applicant, as well as the learned counsel appearing on behalf of the respondent, this Court is of the view that it is not



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disputed that PW-6, Smt. Krishna Sen, is a crucial witness in the present case and is about 71 years of age. Undisputedly, she resides in Uttarakhand and is stated to be suffering from age-related health issues, and owing to her age and medical condition, has been advised rest by her doctor and is unable to undertake further physical travel to Delhi for the purpose of her cross-examination. The learned counsel for the respondent has also not disputed that she is suffering from age related health issues.

4. This Court further notes that PW-6 had already travelled to Delhi on three occasions for the purpose of her cross-examination, namely, on 05.11.2024, 10.02.2025 and 24.07.2025. However, her cross-examination could not be undertaken on any of these dates. As submitted by learned counsel for the petitioner, on 05.11.2024, an adjournment had been sought on behalf of the respondent on account of illness; on 10.02.2025, the Court was on leave; and on 24.07.2025, learned counsel for the petitioner was unavailable due to a bereavement in the family. Thus, despite PW-6 having travelled to Delhi on three separate occasions, her cross-examination remained incomplete for reasons which, as stated, had arisen on the respective dates.

5. In the considered opinion of this Court, the aforesaid circumstances call for a pragmatic approach, since requiring her to undertake further physical journeys from Uttarakhand to Delhi, despite her age and the health-related difficulties stated to be faced by her, would cause her avoidable hardship. At the same time, the cross-



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examination of a witness constitutes an important facet of a fair adjudicatory process, and the respondent's right to test the testimony of PW-6 must remain fully protected. The question, therefore, is whether the mode of recording her cross-examination can be suitably adapted to the circumstances without compromising the fairness or effectiveness of the proceedings.

6. In this regard, this Court considers it appropriate to refer to the *High Court of Delhi Rules for Video Conferencing for Courts, 2021* [hereafter '**2021 Rules**']. The 2021 Rules specifically contemplate the examination of a person through video conferencing where physical attendance is rendered difficult by sickness or physical infirmity, or where securing the person's presence would entail undue delay or expense. Rule 8.15 of the 2021 Rules is relevant, which reads as under:

"8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances, the Court may direct the use of portable video conferencing systems. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court. "

7. The aforesaid Rule confers discretion upon the Court to authorize video conferencing from the place where the person concerned is located in circumstances involving sickness, physical infirmity, or undue delay or expense in securing that person's presence. The circumstances stated in the present application fall



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within the ambit of the considerations expressly contemplated by the Rule. The age of PW-6, her stated health condition, her residence in Uttarakhand and the repeated journeys already undertaken by her for the purpose of cross-examination are all relevant considerations while exercising the discretion conferred upon this Court.

8. It is also pertinent to note that Rule 8.12 of the 2021 Rules provides as follows:

“8.12 The Court may also impose such other conditions as are necessary for a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4).”

9. This Court notes that the aforesaid Rule enables the Court to prescribe appropriate safeguards to ensure that examination through video conferencing is conducted effectively and in a manner consistent with the requirements of a fair judicial proceeding.

10. This Court is also conscious of the fact that the 2021 Rules have subsequently been repealed by the *Electronic Evidence and Video Conferencing Rules, 2025* [hereafter ‘**2025 Rules**’]. In this regard, Rule 27(2)(a) of the 2025 Rules contains a saving provision in respect of actions and proceedings commenced before the said Rules came into force. Accordingly, to the extent applicable to the present proceedings, the relevant provisions of the 2021 Rules would continue to govern the matter.

11. In any event, even under the 2025 Rules, the position remains the same. Rule 13(8) of the said Rules expressly empowers the Court



to authorize video conferencing from the place where a person is located if such person is unable to reach the Court Point or the designated place due to sickness or physical infirmity, or if securing the person's presence would entail undue delay or expense. The said provision reads as under:

“13. Examination of persons and witnesses through video conferencing and other modes of audio-visual electronic communication

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(8) Where a required person is not capable of reaching the Court Point or the designed place due to sickness or physical infirmity, or whose presence cannot be secured without undue delay or expense, the Court may authorize conduct of video conferencing from the place at which such person is located. In such circumstances the court may direct the use of portable video conferencing systems and ensure presence as it may deem fit.”

12. Further, Rule 13(9) of the 2025 Rules provides that the Court may decline to examine a witness through video conferencing where, for reasons to be recorded in writing, it forms the opinion that the witness' evidence cannot be effectively recorded through such means. The said rule, therefore, requires the Court to consider whether the proposed mode of examination would permit the evidence to be recorded effectively. In the present case, no such impediment has been brought to the notice of this Court. On the contrary, the circumstances placed before this Court indicate that the proposed arrangement would facilitate the completion of the cross-examination, while appropriate safeguards can be imposed to preserve the fairness and effectiveness of the proceedings.



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13. Thus, whether the matter is considered with reference to the 2021 Rules, as preserved by the saving clause, or under Rule 13(8), read with Rule 13(9), of the 2025 Rules, this Court finds that the request for examination of PW-6 through video conferencing is legally permissible, in view of the reasons recorded hereinabove. Such a course would accommodate the physical limitations stated to be faced by an elderly witness, avoid further inconvenience arising from travel, and facilitate the completion of the evidence without unnecessary delay. At the same time, appropriate safeguards can be imposed to ensure that the respondent is afforded a full and effective opportunity to cross-examine the witness and that the proceedings remain fair and reliable.

14. Accordingly, the present application is allowed, subject to the following conditions:

- i. The cross-examination of PW-6, Smt. Krishna Sen, through video conferencing shall be conducted on a date and at a time to be fixed by the learned Joint Registrar (Judicial), in consultation with the parties and the concerned authorities facilitating the video-conferencing arrangements.
- ii. The cross-examination shall, in the first instance, be conducted from a designated video-conferencing facility at a location in Uttarakhand convenient to PW-6. In the event that her age-related health conditions render travel to such facility difficult, the learned Joint Registrar (Judicial) may consider



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permitting the recording of her cross-examination from her residence, subject to the applicable Rules and appropriate safeguards.

iii. The identity of PW-6 shall be duly verified before the commencement of her cross-examination. She shall also confirm that she is appearing voluntarily and that she is in a position to depose and answer questions without any person prompting or influencing her.

iv. The video-conferencing facility shall be tested in advance to ensure that the audio and video transmission is clear and uninterrupted and that the proceedings can be conducted effectively.

v. No person other than PW-6 and such person as may be strictly necessary for facilitating the proceedings shall remain present at the Remote Point during the cross-examination. The presence of any such person shall be disclosed to the Court before the proceedings commence.

vi. Any document sought to be put to PW-6 during cross-examination shall be shown to her in accordance with the applicable Rules and in such manner as may be directed by the learned Joint Registrar (Judicial), ensuring that the parties have a fair opportunity to refer to and examine the relevant documents.

vii. The deposition recorded through video conferencing



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shall be read over or explained to PW-6, as required under the applicable Rules, and authenticated in the manner prescribed therein.

viii. The petitioner shall coordinate with the concerned authorities and take all necessary steps in advance to ensure that the video-conferencing arrangements are duly made and that PW-6 is informed of the date, time and place of examination.

ix. The expenses, if any, incurred for facilitating the video-conferencing arrangements at the Remote Point shall initially be borne by the petitioner, subject to any further orders that may be passed by the Court.

x. Both parties shall extend full cooperation to ensure that the cross-examination is completed on the date fixed. Any technical difficulty or interruption shall be brought to the immediate notice of the learned Joint Registrar (Judicial), who shall pass appropriate directions to facilitate the continuation of the proceedings.

xi. No party or person present at either point shall make any unauthorised audio or video recording of the proceedings or disseminate any such recording.

15. The learned Joint Registrar (Judicial) shall take the necessary steps to ensure that the cross-examination of PW-6 is conducted on the date fixed, subject to the aforesaid conditions.



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16. It is clarified that the permission granted by this Court is confined to the mode of recording the cross-examination of PW-6 and shall not be construed as dispensing with any requirement of law governing the recording of evidence. The respondent's right to effectively cross-examine the witness shall remain unaffected.

17. The application, I.A. 5080/2026, stands disposed of in the aforesaid terms.

18. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 27, 2026/zp
T.S.