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

% *Date of Decision: 3<sup>rd</sup> July, 2026*

+ CRL.M.C. 4519/2026, CRL.M.A. 18705/2026 & CRL.M.A.  
18706/2026

SUNIL

.....Petitioner

Through: Mr. Manoranjan and Mr. Mohit Pal,  
Advocates along with  
petitioner-in-person

versus

C.B.I.

.....Respondent

Through: Mr. Vikrant Pachnanda, SPP, CBI  
with Mr. Mukul Katyal, Advocate

**CORAM:**

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

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

1. Petitioner is facing trial for commission of offence under section 7 of *Prevention of Corruption Act, 1988*.
2. The abovesaid criminal trial is, presently, at the stage of defence evidence.
3. The petitioner/accused moved an application under section 311 Cr.P.C. (corresponding Section 348 of *Bharatiya Nagarik Suraksha Sanhita, 2023*) seeking recalling of four witnesses i.e. PW-1, PW-11, PW-12 and PW-15 on the ground that several important questions had not been put to the abovesaid witnesses by the then defence counsel.
4. His such application has been allowed in part as the learned Trial Court has, though, permitted his request to recall PW-1, his application *qua* the others has been rejected.



5. It is in the abovesaid backdrop that the present petition has been filed by invoking Article 227 of Constitution of India and Section 528 of *Bharatiya Nagarik Suraksha Sanhita* (BNSS).

6. Learned Special Public Prosecutor for CBI appears on advance notice.

7. The impugned order is elaborate and comprehensive enough and deals with each and every aspect of the case in the desired manner.

8. During course of the arguments, learned counsel for the petitioner submitted that at the alleged spot, a CCTV had been installed and the then learned defence counsel, somehow, failed to put relevant questions with respect thereto and, therefore, recalling of PW-12 and PW-15 has become imperative. In this regard, he strongly relies upon the reply which he received in response to his application under section 6(1) of *Right to Information Act, 2005*. He submits that as per reply dated 04.06.2026, one CCTV is installed at the relevant spot, which was also in a working condition at the relevant time. He states that the question in this regard is of immense importance as prosecution has failed to disclose about CCTV and the relevant footage has been held back, for reasons beyond comprehension. He submits that for reason best known to the prosecution, no effort was made to obtain, collect and preserve CCTV footage from the camera installed at the spot and, therefore, if the permission in this regard is not granted, it would amount to travesty of justice. He submits that the answers to the abovesaid questions would enable the learned Trial Court to reach a logical, just and fair conclusion.

9. Fact, however, remains that as per the reply given by the concerned Government Department, the footage is not available in the office. Quite probably, it might have been, already, overwritten with the passage of time.



Therefore, it is too late in the day to allow the abovesaid application, particularly, in the view of the fact that the CCTV footage is, presently, not available. The accused would, naturally speaking, get an opportunity to lead his evidence in defence and at that time, he can always, if so advised, make reference to the abovesaid reply which he has received in response to his application filed under RTI Act.

10. It is also worthwhile to mention here that merely because there is a change in the counsel, it would not, automatically, mean that the witnesses are to be recalled. If such path is adopted, the process of examination of witnesses would continue endlessly, resulting in delay in disposal of any matter. Moreover, the cross-examination of the other three witnesses seems to be omnibus and comprehensive. The aspect of fair trial does not look compromised, even remotely.

11. Undoubtedly the Courts, generally speaking, permit exercise of such discretionary power under section 311 Cr.P.C. whenever it finds the same necessary to reach just decision of the case but in the present case, this Court has not been able to fathom out any compelling reason to interfere with the order, which is well-reasoned. There is neither any illegality or perversity in the impugned order, warranting invocation of supervisory jurisdiction nor anything indicating any abuse of process of law, requiring any indulgence for securing the ends of justice.

12. Viewed thus, the present petition is hereby dismissed in *limine*.

13. Pending applications also stand disposed of in aforesaid terms.

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

**JULY 3, 2026/drl/nr/sy**