

CC No.19224/2016  
Kanwal Nain Singh Mokha Vs. Rekha Khurana  
(through Cisco Webex)

26.06.2021

**In view of circular No. 257-288/RG/DHC/2021 dated 08.04.2021, only urgent matters are being taken up for hearing through video conferencing. No adverse orders are being passed today and no evidence is being recorded as per the directions in the said circular.**

**Matter taken up on the basis of an application filed on behalf of the complainant**

**Present:** Sh. Praveen Suri, Ld. Counsel for the complainant (through VC).  
Sh. L.M. Grover, Ld. Counsel for the accused (through VC).

The present application has been filed on behalf of the complainant seeking an urgent hearing in the present matter. Learned counsel for the accused has also appeared after having been served with an advance copy of the application.

Learned counsel for the accused has vehemently opposed the application on the ground that unfounded allegations have been made in the application regarding the conduct of the learned counsel for the accused without any ring of truth to the same.

The matter is currently at the stage of CE.

While the learned counsel for the accused has opposed the present application on the ground that the application contains baseless allegations, he has submitted that he is ready to conduct cross-examination of the complainant through video conferencing (VC).

At this stage, learned counsel for the complainant has submitted that he does not wish to press the present application. **Accordingly, the present application is disposed of as withdrawn.**

However, since the present matter is a '5-year-old' matter, both the counsels have mutually submitted that they wish to proceed with the matter and conduct evidence through VC. It has been submitted that both the parties are willing to record their evidence through VC.

Heard. Record perused.

The present matter is a '5-year-old' matter. Both the parties have shown mutual willingness in recording of evidence through VC. Accordingly, the mutual oral application moved on behalf of the parties is allowed. The matter is directed to be listed for recording of evidence through VC

in terms of the following directions (*to comply with the VC Rules framed by the Hon'ble High Court of Delhi*):

- (i) An audio-visual recording of the examination of the complainant shall be preserved. An encrypted master copy with hash value shall be retained as a part of the record.
- (ii) The evidence shall be transcribed through the mode of 'screen sharing option' on Cisco Webex, so that both the parties and their counsels can follow/ read the transcription in real time.
- (iii) Upon the conclusion of the transcription of the cross-examination of the complainant, the complainant shall be provided with a soft copy of the transcript (bearing the digital signature of the undersigned court) through the official email-id of the court, and the complainant shall be required to affix his signature on the transcript after taking a print-out of the same.
- (iv) After affixing his signature on the printed copy of the transcript, the complainant shall be required to send a scanned copy of the same on the official email-id of the court. The signed transcript will form part of the record of the judicial proceedings.
- (v) Due to the present situation of COVID-19 pandemic, both the parties are in agreement that it is not advisable to depute a 'coordinator' at the place from where the complainant shall appear for recording of his evidence.
- (vi) However, in order to prevent unnecessary tutoring or prompting, learned counsel for the complainant has submitted that he shall ensure that the complainant appears for recording of his evidence through VC from his home; and not from the office premises/ chamber of the learned counsel for the complainant.
- (vii) The complainant shall not use mobile phone/ any communication device while his evidence is being recorded.
- (viii) Further, the complainant shall ensure that he has a proper internet connection so that there are no disruptions while recording of his evidence.
- (ix) **While all endeavours shall be made to record evidence through VC, the court is cognizant of the fact that internet connectivity issues can be taken as an excuse for not answering questions put by the learned counsel to the witness and to indulge in witness prompting. Accordingly, in a scenario where the VC**

**is disrupted during the recording of evidence, recording of evidence through VC may be discontinued and the matter would be adjourned if it appears that the witness/ complainant is deliberately disconnecting his internet connection.**

Accordingly, **re-list the matter on 30.06.2021** for cross-examination of the complainant.

[DEVANSHU SAJLAN]  
MM NI ACT-05/(West)/Delhi  
26.06.2021