



2026:DHC:2046



\$~

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

%

*Judgment reserved on: 16.12.2025**Judgment pronounced on: 11.03.2026**Judgment uploaded on: 13.03.2026*+ **CRL.M.C. 3880/2025 & CRL.M.A. 16947/2025**

MINOR CHILD K & ORS.

.....Petitioners

Through: Mr. Nitin Saluja, Ms Nimisha
Menon, Ms Pranya Madan and
Ms Ankita Talukdar, Advs.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Manoj Pant, APP for the
State along with SI Sonia.
Ms. Prachi Dubey, *Amicus
Curiae*

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****J U D G M E N T****Index to the Judgment**

FACTUAL BACKGROUND.....	3
SUBMISSIONS BEFORE THE COURT.....	5
ANALYSIS & FINDINGS	11
A. Vulnerable Witnesses in Criminal Justice System: Scope and Judicial Approach	11
B. Safeguards under the POCSO Act to Protect Child Victims During Trial.....	18
C. Use of Video Conferencing for Examination of Vulnerable Witnesses.....	22



2026:DHC:2046



D. Presence of Victim during Bail Hearings in Cases of Sexual Offences	31
E. Conclusion	36

DR. SWARANA KANTA SHARMA, J

1. By way of the present petition, the petitioners have approached this Court seeking, *firstly*, the setting aside of the bailable warrants dated 22.04.2025 issued against petitioner no. 1 in SC Case No. 622 of 2022, by the learned ASJ (SC-POCSO), South East, Saket Courts, Delhi [hereafter '*Trial Court*']. The petitioners, in prayer (b), have also prayed that appropriate directions be issued to the learned Trial Courts to ensure strict compliance with the principles laid down by the Coordinate Bench of this Court in **XXXX v. State: Crl.A. 198/2020 (order dated 11.01.2023)** as well as the guidelines framed by the Hon'ble Supreme Court in **Smruti Tukaram Badade v. State of Maharashtra: (2022) 18 SCC 24**, and the judgment of the Coordinate Bench in **Vikas v. State of Delhi: 2020:DHC:3058**, particularly with regard to safeguarding the interests of child victims during trial. In addition, by virtue of prayer (c), the petitioners pray for passing of further directions/guidelines that in proceedings under the Protection of Children from Sexual Offences Act, 2012 [hereafter '*POCSO Act*'], where repeated adjournments sought by the accused or their counsel delay the examination of minor victims, the learned Trial Courts may permit the cross-examination of such victims to be conducted through video-conferencing.



2026:DHC:2046



FACTUAL BACKGROUND

2. The brief facts of the case, as set out in the petition, are that on 06.08.2022, a missing complaint was lodged at the Police Station (P.S.) Defence Colony by Mr. S.K., the father of petitioner no. 1, along with Ms. B.K., the grandmother of petitioner no. 3, and Ms. S.P., the sister of petitioner no. 2. It was reported that the three petitioners, who are minor girls, had gone missing. On the basis of the said complaint, the FIR bearing no. 153/2022 was registered under Section 363 of the Indian Penal Code, 1860 [hereafter '*IPC*']. It is stated that on 08.08.2022, the three missing minor girls were traced at P.S. Karol Bagh and were thereafter brought to P.S. Defence Colony. Their statements under Section 161 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] were recorded at P.S. Defence Colony on 09.08.2022 and 10.08.2022. In these statements, it was disclosed that the minor children had allegedly been repeatedly sexually abused, assaulted and criminally threatened by five accused persons over a period of two days. At the relevant time, all the three children were about 15 years of age. Consequent to these statements made by the petitioners on 09.08.2022 and 10.08.2022, offences under Sections 342, 328, 366A, 370, 376, 506 and 120B of the IPC, as well as Section 6 of the POCSO Act, were added to the FIR. Thereafter, the statements of the petitioners were also recorded under Section 164 of the Cr.P.C. on 10.08.2022. In their statements, the petitioners stated that on 06.08.2022 and 07.08.2022 they had been sexually assaulted by respondent nos. 5 and 6 and were criminally



threatened by respondent no. 4. In their respective statements, all three minor victims narrated the incidents, and it is stated that their versions broadly corroborated each other.

3. As noted above, the present petition was filed *inter alia* challenging the order dated 22.04.2025 passed by the learned Trial Court, by way of which bailable warrants in the sum of 75,000/- were issued against petitioner no. 1, who is one of the minor victims and a prosecution witness (PW-2). *Before proceeding further*, it is pertinent to note that *vide* order dated 28.05.2025, this Court had allowed prayer (a) and set aside the bailable warrants issued against the petitioner no. 1. However, the matter was thereafter taken up in respect of other prayers.

4. Apart from seeking quashing of the aforesaid bailable warrants, the petitioners have also prayed that this Court issue appropriate directions to ensure compliance with the ratio laid down by the Coordinate Bench of this Court in **XXXX v. State** (*supra*), particularly with regard to limiting and minimizing the presence of child victims during court proceedings, as well as the guidelines framed by the Hon'ble Supreme Court and this Court with regard to safeguarding the interests of child victims during trial.

5. On 04.08.2025, this Court had appointed Ms. Prachi Dubey, Advocate as *Amicus Curiae* to assist the court on prayers (b) and (c) sought by the petitioners.



2026:DHC:2046



SUBMISSIONS BEFORE THE COURT

6. The learned counsel appearing for the petitioners submits that the petitioners were minor girls aged about 15 years at the time of the alleged incident and had allegedly been subjected to sexual abuse and criminal intimidation by the accused persons during the period between 06.08.2022 and 08.08.2022. It is submitted that pursuant to investigation, a chargesheet was filed on 01.09.2022 against respondent nos. 2 to 5, followed by a supplementary chargesheet dated 02.02.2023 against respondent no. 6. Thereafter, charges under the IPC and the POCSO Act were framed against respondent nos. 2 to 6 on 19.10.2023. It is further submitted that after the framing of charges, the petitioners were repeatedly summoned by the Trial Court for the purpose of recording their evidence. In this regard, it is stated that petitioner no. 1 was summoned on nine occasions, petitioner no. 2 on four occasions, and petitioner no. 3 on six occasions before their testimonies could ultimately be recorded and concluded. The learned counsel submits that such repeated summoning of the minor victims caused considerable distress to them. The learned counsel also submits that the Trial Court had insisted upon the presence of the petitioners, either physically or through virtual mode, on several occasions even during the hearing of bail applications moved on behalf of the accused persons, despite the petitioners being represented through counsel. It is contended that the accused persons had repeatedly moved bail applications which were thereafter withdrawn, resulting in the child victims being required to appear



2026:DHC:2046



before the Court on multiple occasions. It is further submitted that *vide* the impugned order dated 22.04.2025, the Trial Court dismissed an application seeking exemption on behalf of petitioner no. 1 and issued bailable warrants in the sum of ₹5,000/- against her, despite it being brought to the notice of the Court that she was not in a proper mental and emotional condition to depose, which order was subsequently set aside by this Court on 28.05.2025. It is also pointed out that the testimonies of all three child victims were eventually recorded and concluded only after a considerable period from the date when they were first summoned. The learned counsel for the petitioners further submits that the learned Trial Court failed to adhere to the safeguards laid down by the Hon'ble Supreme Court in ***Smruti Tukaram Badade v. State of Maharashtra*** (*supra*) as well as the Guidelines for Recording of Evidence of Vulnerable Witnesses in Criminal Matters, 2024 issued by this Court. It is also contended that the repeated summoning of the child victims, including during bail proceedings, was contrary to the ratio laid down by the Coordinate Bench in ***XXXX v. State*** (*supra*)

7. The learned counsel appearing for the petitioners has also placed certain suggestions before this Court with regard to strengthening the manner in which evidence of child victims is recorded in cases under the POCSO Act. It is submitted that despite the object of the POCSO Act to ensure a child-friendly and dignified process, certain systemic issues continue to persist, such as lack of uniform procedures for examination of child victims, repeated



2026:DHC:2046



adjournments resulting in re-traumatisation, and absence of effective accountability where child victims are summoned repeatedly. In this context, the learned counsel has suggested that at the stage of cognizance or framing of charge, the Special Courts may pass a POCSO Witness Schedule Order, fixing in advance the dates for examination and cross-examination of the child victim and other vulnerable witnesses so that their evidence can be planned and recorded in a structured manner. It is further suggested that the testimony of child victims should be completed on proximate and sequential dates, preferably over consecutive days or within a short span, so as to avoid repeated court appearances and prolonged exposure of the child to the trial process. The learned counsel has also submitted that there should be strict restriction on repeated summoning of child victims, particularly after their testimony has been recorded, and their personal presence during interlocutory proceedings such as bail hearings should ordinarily not be insisted upon where they are represented through counsel or guardian, in line with the ratio laid down in *XXXX v. State* (*supra*). Another suggestion placed before this Court relates to psychosocial safeguards for child victims, including liberal consideration of exemption requests during periods of examinations, medical treatment or psychological distress, and consultation with the support person before requiring the child to appear. It is also suggested that delays and adjournment requests by the defence should be strictly regulated, and where repeated adjournments lead to delay in cross-examination



of a child witness, appropriate measures may be adopted, including closing the opportunity for cross-examination or permitting such cross-examination through video conferencing or at a Vulnerable Witness Deposition Centre. Lastly, the learned counsel has suggested the creation of a system of documentation and monitoring, including maintenance of a witness-tracking sheet in each POCSO case and periodic reporting or compliance mechanisms to ensure adherence to the safeguards envisaged under Sections 33(5) and 35 of the POCSO Act.

8. The learned Amicus Curiae has also assisted this Court and has placed on record detailed written submissions, along with several suggestions and proposed procedural safeguards concerning the examination of vulnerable witnesses in cases under the POCSO Act. The said submissions and suggestions have been perused by this Court. The learned Amicus Curiae submits that the protection of children within the criminal justice process flows from the constitutional guarantees under Articles 14, 15(3), 21 and 39(f) of the Constitution of India. It is submitted that the framework laid down by the Hon'ble Supreme Court in ***Smruti Tukaram Badade v. State of Maharashtra*** (*supra*) and the judgment of this Court in ***Vikas v. State*** (*supra*) emphasise that the criminal process must ensure that child victims are protected from secondary victimisation while at the same time preserving the right of the accused to a fair trial. It is further submitted that while several High Courts have framed guidelines for examination of vulnerable witnesses, the



2026:DHC:2046



implementation of such mechanisms remains uneven, and therefore there is a need for uniform procedural standards.

9. The learned Amicus Curiae has particularly emphasised the importance of establishing and operationalising Vulnerable Witness Deposition Centres (VWDCs) in every district. It is submitted that such centres should provide a safe and child-friendly environment for recording the testimony of vulnerable witnesses through video-link facilities, with appropriate infrastructure, trained personnel and counselling support. According to the learned Amicus Curiae, the testimony of child victims should ordinarily be recorded through video-conferencing from such centres, so that their physical presence in open court can be avoided as far as possible. It is also suggested that the trial court may undertake certain pre-trial management measures, such as holding a pre-trial conference to determine the mode and schedule of testimony, conducting a brief psychological assessment of the child through a trained counsellor, and arranging an orientation session for the child to familiarise them with the process before the recording of evidence. With regard to the recording of evidence, the learned Amicus Curiae submits that if a properly video-recorded statement under Section 164 of the Cr.P.C. is made available, it may be considered as the examination-in-chief of the child, while preserving the right of the accused to cross-examine the witness. It is suggested that the evidence of the child should be recorded through secure video-link systems, with appropriate safeguards relating to recording, storage and chain of custody of such



electronic evidence. The learned Amicus Curiae has further submitted that the mode of cross-examination of child witnesses may be suitably regulated. It is suggested that cross-examination may, where necessary, be conducted through an intermediary or with the assistance of the presiding judge, and that questions intended to be put to the child may be filed in advance so that the Court can ensure that irrelevant or harassing questions are not asked. It is also suggested that the duration and number of sessions for cross-examination may be suitably regulated to prevent undue stress to the child. Another aspect highlighted by the learned Amicus Curiae concerns the recall of child witnesses under Section 311 of the Cr.P.C. It is submitted that such recall should be treated as an exceptional measure and permitted only when the Court is satisfied that it is essential for a just decision of the case and cannot be achieved through less intrusive alternatives such as video-link questioning or reliance on previously recorded evidence. In conclusion, the learned Amicus Curiae has suggested that this Court may consider issuing appropriate practice directions or a Standard Operating Procedure for all Special Courts dealing with cases under the POCSO Act in the National Capital Territory of Delhi.

10. This Court has **heard** and considered the submissions made before this Court by the learned counsel for the petitioners as well as the learned Amicus Curiae.



ANALYSIS & FINDINGS

11. The criminal justice system has, over time, increasingly recognised that certain witnesses, particularly victims of sexual offences and children, require special procedural protection while participating in the court proceedings. The concept of a “vulnerable witness” has evolved through judicial pronouncements which acknowledge that the ordinary processes of a criminal trial may cause intimidation, embarrassment or psychological distress to such witnesses.

A. Vulnerable Witnesses in Criminal Justice System: Scope and Judicial Approach

12. One of the early judicial recognitions of this concern came in the case of ***State of Punjab v. Gurmit Singh*: (1996) 2 SCC 384**, where the Hon’ble Supreme Court emphasised that trials of rape cases must ordinarily be conducted *in camera* in terms of Section 327 of the Cr.P.C. It was highlighted that such proceedings help create a more comfortable and dignified environment for the victim to depose and reduce the embarrassment that may arise from testifying in open court. The Hon’ble Supreme Court had also stressed the importance of protecting the identity of victims of sexual offences and ensuring that court procedures do not aggravate their trauma. The Hon’ble Supreme Court further developed these principles in ***Sakshi v. Union of India*: (2004) 5 SCC 518**, where it recognised that the process of giving evidence in cases of sexual assault and child abuse must be



made sensitive to the psychological state of the victim. It was observed that mere presence of the accused in full view may induce fear in the mind of the victim and hamper truthful testimony. In view thereof, the Hon'ble Supreme Court had issued certain directions to ensure a child-friendly procedure during trial, including that: (i) appropriate arrangements such as screens may be used so that the victim or vulnerable witness does not have to directly face the accused while giving evidence; (ii) questions in cross-examination may, where necessary, be given in writing and put to the witness by the presiding judge in appropriate language; and (iii) sufficient breaks should be allowed to the victim while recording testimony.

13. Subsequently, in ***State of Maharashtra v. Bandu @ Daulat: (2018) 11 SCC 163***, the Hon'ble Supreme Court took note of the mechanism developed by the Delhi High Court for recording the testimony of vulnerable witnesses and endorsed the need for establishing special centres for examination of vulnerable witnesses. The Supreme Court noted that such facilities would provide a conducive environment for vulnerable witnesses to depose and directed the High Courts across the country to consider adopting similar mechanisms and to take steps towards establishing such centres in their respective jurisdictions.

14. A significant advancement in this area came with the decision of the Hon'ble Supreme Court in ***Smruti Tukaram Badade v. State of Maharashtra: (2022) 18 SCC 24***. In the said decision, it was emphasised that there was a need for creating a supportive



environment for recording the testimonies of vulnerable witnesses. The Supreme Court also expanded the scope of the term “vulnerable witness” and held that it is not confined to children alone but may include victims of sexual offences, persons suffering from mental illness, individuals with disabilities, witnesses facing threat perception under the Witness Protection Scheme, and any other witness who may be considered vulnerable by the court. The Court further directed all High Courts to adopt and notify schemes for establishing Vulnerable Witness Deposition Centres (VWDCs) so as to facilitate safe and sensitive recording of evidence of such witnesses. It was *inter alia* held as under:

“3. The fairness of the process of trial as well as the pursuit of substantive justice are determined in a significant measure by the manner in which statements of vulnerable witnesses are recorded. The dignity of person, which is an intrinsic element of Article 21 of the Constitution, cannot be left to the vagaries of insensitive procedures and a hostile environment. Access to justice mandates that positive steps have to be adopted to create a barrier free environment. These barriers are not only those which exist within the physical spaces of conventional courts but those which operate on the minds and personality of vulnerable witnesses. There is a pressing need to facilitate the salutary purpose underlying the creation of a barrier free environment where depositions can be recorded freely without constraining limitations, both physical and emotional. This requires not just the creation of infrastructure but sensitizing all stakeholders.

4. This Court issued notice to all the High Courts in pursuance of which they have appeared through Counsel. Based on the material which has been placed before the Court, Ms. Vibha Datta Makhija, amicus curiae, has prepared a tabulated statement of the position of infrastructure in various High Courts as of 25 October 2021. A copy of the tabulated statement is annexed as a broad indicator at Annexure ‘A’ to



this order. Based on the deliberations which have taken place during the course of proceedings in the Court, the suggestions which have been proposed by the amicus curiae and the responses of some of the Counsel who have appeared on behalf of the High Courts, the following directions are issued under Article 142 of the Constitution in furtherance of the earlier decisions of this Court. These are intended to facilitate the implementation of the directions which were rendered on 24 October 2017 in *Bandu* (supra) and earlier in other decisions.

5. The directions are enumerated below:

(i) The definition of “vulnerable witness” contained in Clause 3(a) of the ‘Guidelines for recording evidence of vulnerable witnesses in criminal matters’ of the High Court of Delhi shall not be limited only to child witnesses who have attained the age of 18 years and should be expanded to include, inter alia, the following categories of vulnerable witnesses:

(a) Age neutral victims of sexual assault read with Sections 273 and 327 of the Code of Criminal Procedure 1973 and Section 354 of the Penal Code, 1860;

(b) Gender neutral victims of sexual assault read with Section 2(d) of the Protection of Children from Sexual Offences Act, 2012;

(c) Age and gender neutral victims of sexual assault under Section 377 of the Penal Code, 1860 read with paragraph 34(1) of the decision in *Sakshi* (supra);

(d) Witnesses suffering from “mental illness” as defined under Section 2(s) of the Mental Healthcare Act, 2017 read with Section 118 of the Indian Evidence Act, 1872;

(e) Any witness deemed to have a threat perception under the Witness Protection Scheme 2018 of the Union Government as approved by this Court in *Mahender Chawla v. Union of India*;

(f) Any speech or hearing impaired individual or a person suffering from any other disability who is considered to be a vulnerable witness by the competent court; and

(g) Any other witness deemed to be vulnerable by the concerned court.

(ii) The High Courts shall adopt and notify a Vulnerable Witnesses Deposition Centres Scheme within a period of two months from the date of this order unless a scheme is already



notified. The High Courts which already have existing VWDC Schemes in place may consider making suitable modifications in conformity with the guidelines which are indicated in the present order. In formulating the VWDC Scheme, the High Courts shall have due regard to the scheme which has been formulated by the High Court of Delhi, which has been duly approved in the judgment of this Court in *Bandu* (supra);

(iii) Every High Court should set up an in-house permanent VWDC Committee for continuously supervising the implementation of the present directions and making a periodic assessment of the number of VWDCs required in each district proportionate to the time required for recording evidence of vulnerable witnesses and to coordinate the conduct of periodic training programmes;

(iv) Every High Court is requested to make an estimation of costs towards manpower and infrastructure required to set up at least one permanent VWDC in every establishment of the District Court (or additional Sessions Court establishments) and estimate the optimal number of VWDCs required for the entire State within a period of three months;

(v) Having due regard to the importance of conducting periodic training programmes for manning and managing the VWDCs and sensitizing all stake holders, including judicial officers, members of the Bar and the staff of the court establishment, we constitute a Committee chaired by Justice Ms. Gita Mittal, former Chief Justice of the Jammu and Kashmir High Court. The Committee shall devise and implement an All India VWDC Training Programme, besides engaging with the High Courts on the creation of infrastructure for VWDCs. The initial tenure of the Chairperson shall be for a period of two years. All High Courts or concerned role assignees shall facilitate and give full cooperation in conducting training programmes in terms of the module which may be prepared by the Chairperson;

(vi) Upon the estimation of costs prepared by the VWDC Committee of each High Court, the State Government shall expeditiously sanction the requisite funds within a period of three months from the date of the submission of the proposal or the end of the financial year, whichever is earlier, and disburse the funds to the High Court in accordance with the project plan. The State Government shall nominate a nodal officer of the Finance Department who shall be associated ex officio with the



work of the VWDC Committee of the High Court, to facilitate the implementation of the proposal submitted by the High Court in terms of these directions;

(vii) The High Courts shall ensure that at least one permanent VWDC is set up in every District Court establishment (or additional Sessions Court establishments) within a period of four months. The Registrars General of the High Courts shall file compliance reports before this Court;

(viii) In many States, ADR Centres have been set up by the High Courts in close proximity to the court establishments in the districts. Where such ADR Centres are in place, the High Courts would be at liberty to ensure that the VWDC is made available within the premises of the ADR Centre so as to secure a safe, conducive and barrier free environment for recording the depositions of vulnerable witnesses;

(ix) The National Legal Services Authority as well as the State Legal Services Authorities have a vital stake and role, particularly in devising and implementing sensitization and training programmes. The Chairperson of the Committee appointed by this Court is requested to engage with NALSA and SLSAs (subject to the directions which may be issued by the Hon'ble Executive Chairperson of NALSA) so as to provide an effective interface for implementing the scheme for training;

(x) The Hon'ble Chief Justices of the High Courts would be at liberty to take all appropriate steps either on the administrative side or on the judicial side in furtherance of the present directions and to monitor compliance on a periodic basis;

(xi) The Chief Justice of the High Court of Delhi is requested to make available a work space/room for the office of the VWDC Committee Training Centre and requisite staff, preferably personnel who have previously assisted in the development and implementation of the Training Modules of the Delhi High Court and to designate a Coordinator of the programme in consultation with the Chairperson. Appropriate secretarial and logistical support staff and equipment may be made available to the Committee on a reasonable remuneration as fixed by the Chairperson. The expenses in that regard, including the honorarium payable to the Chairperson shall be defrayed by the Ministry of Women and Child Development to the Director of the Delhi Judicial Academy. The Chairperson may fix a reasonable honorarium for the work assigned to her



under the terms of this order. In the event that any further directions are necessary, the Chairperson may seek them before this Court and any communication in that regard shall be placed for further directions; and

(xii) The Ministry of Women and Child Development of the Union Government shall designate a nodal officer for coordinating the implementation of these directions and for providing all logistical support to Justice Ms. Gita Mittal, the Chairperson of the Committee appointed by this Court. This would include the payment of honorarium to the Chairperson in terms as fixed by the Chairperson and meeting the expenses, including those towards engaging domain experts for training programmes. The Union Ministry of Women and Child Development and all Ministries of Women and Child Development in the States shall coordinate with the Chairperson and extend logistical support. The High Courts shall, in consultation with the Chairperson of the Committee, enlist experts in the field to facilitate proper training and development of all stake holders...”

15. Taking note of the directions issued by the Hon’ble Supreme Court in *Smruti Tukaram Badade v. State of Maharashtra* (*supra*), and drawing upon the earlier ‘Guidelines for Recording of Evidence of Vulnerable Witnesses in Criminal Matters’ prepared by this Court, the Protocol for Recording Evidence of Vulnerable Witnesses notified by the High Court of Jammu and Kashmir, as well as relevant statutory provisions, judicial precedents and international standards relating to vulnerable witnesses, this Court framed the **‘Guidelines of the High Court of Delhi for Recording of Evidence of Vulnerable Witnesses, 2024’** to streamline and strengthen the procedure for recording the testimony of such witnesses.



B. Safeguards under the POCSO Act to Protect Child Victims During Trial

16. The POCSO Act contains several provisions intended to ensure that the participation of a child victim in the criminal trial does not result in further trauma. Section 33(5) of the POCSO Act mandates that the Special Court shall ensure that the child is *not called repeatedly to testify in court*. The purpose of this provision is to protect the child from the psychological stress of narrating the same traumatic incident multiple times during the course of trial.

17. Further, Section 35 of the POCSO Act prescribes timelines for recording of evidence and disposal of cases. Sub-section (1) provides that the evidence of the child shall be recorded within *thirty days from the date of taking cognizance*, and if there is any delay, reasons must be recorded by the Special Court. Sub-section (2) further provides that the trial should, as far as possible, be completed within *one year from the date of taking cognizance*. These provisions reflect the legislative intent that trials involving child victims must proceed expeditiously so that the child is not subjected to prolonged participation in criminal proceedings.

18. Similarly, Section 36 of the POCSO Act ensures that the child is not exposed to the accused while giving testimony. The provision requires the Special Court to adopt suitable arrangements so that the child can depose in a safe environment without directly confronting the accused, while at the same time ensuring that the accused is able to hear the testimony and communicate with his advocate. For this



purpose, the Special Court may utilise mechanisms such as video-conferencing, screens, mirrors, curtains or other protective devices. The intent of this provision is to reduce fear and intimidation that may be experienced by a child witness during testimony.

19. Now, insofar as Section 33(5) of the POCSO Act is concerned, it is pertinent to note that the Hon'ble Supreme Court in ***Madhan Chandra Pradhan & Ors. v. State of Odisha: (SLP (Crl.) No. 10082 of 2024)*** has reiterated that the provision casts a duty upon the Special Court to ensure that a child is not repeatedly called to testify before the court. It has been observed that the legislative intent behind this provision is clear, i.e., to ensure that a child who has already undergone the trauma of sexual assault is not compelled to repeatedly narrate the same incident during the course of the trial.

20. The emphasis of the learned counsel for the petitioners has also been on the decision rendered by the Coordinate Bench of this Court in ***Vikas v. State (supra)***. In the said decision, it has been *inter alia* held as under:

“25. In the light of the aforesaid judgement I may state at the cost of repetition that no doubt Section 311 Cr.P.C. gives the power to the Court to recall any witness to serve the ends of justice, however, the said Section in my view would be subject to Section 33 (5) of POCSO Act on the principle of generalia specialibus non-derogant. As held by the Trial Court and rightly so, the child victim was extensively examined for several hours and any recall at this stage would fall foul of the provisions of Section 33 (5) and the intent behind enacting the Section. It is equally true that Courts have to balance the conflicting rights and claims and do substantial justice by permitting the Accused to cross-examine in a given case but



the Court cannot lose site of the facts of the present case which are different inasmuch as even after extensive cross-examination the counsel for the Petitioner did not elicit which according to him he now wants to ask in cross-examination.”

21. Thus, the Bench observed that although Section 311 of the Cr.P.C. empowers the court to recall a witness in order to arrive at a just decision, the exercise of such power must be harmonised with the mandate of Section 33(5) of the POCSO Act. Applying the principle of *generalia specialibus non derogant*, it was held that the special protection granted under the POCSO Act must prevail, and once the child witness has been extensively examined, recall of the witness should not ordinarily be permitted if it would defeat the very object of Section 33(5).

22. Similarly, this Bench in ***Rakesh v. State (NCT of Delhi)*: 2023 SCC OnLine Del 4774**, had observed that while the restriction contained in Section 33(5) may not be absolute and must be balanced with the power of the court under Section 311 of the Cr.P.C., the discretion to recall a child witness must be exercised with circumspection, caution and utmost sensitivity. It was observed as under:

“10. While the bar under Section 33(5) POCSO Act may not be absolute and balance of rights needs to be maintained under Section 33(5) of POCSO Act and Section 311 of Cr. P.C., at the same time, the Court's discretion in exercising its power to re-summon a witness for cross-examination has to be exercised with circumspection, caution and utmost sensitivity. The crucial word used in Section 33(5) of POCSO Act is “called repeatedly”. This Section thus has to be interpreted to balance and applied with the right under Section 311 Cr. P.C. of accused and right to fair trial of an accused depending on facts



2026:DHC:2046



and circumstances of each case.”

23. Thus, the consistent position emerging from the statutory scheme and judicial precedents is that a child witness should not be summoned repeatedly to testify before the court. While the power to recall a witness under Section 311 of the Cr.P.C. is available, such power must be exercised sparingly and strictly in accordance with law. *In that regard, no additional directions are required to be issued by this Court*, as all Trial Courts are already bound to follow the statutory mandate and the principles laid down in the aforesaid judicial decisions.

24. At the same time, this Court finds it apposite to emphasize that the mandate of Section 33(5) of POCSO Act must also be kept in mind while summoning the child victim for the purpose of recording examination-in-chief or cross-examination. Even at this stage, the child should not be required to appear before the court repeatedly on multiple dates without effective progress in the recording of evidence. The timelines prescribed under Section 35 of the POCSO Act clearly indicate that the recording of the child’s evidence must be treated as a time-bound and priority exercise.

25. In this context, the attention of this Court was drawn to the facts of the present case, wherein the petitioners were first summoned to depose in December 2023. It was submitted that thereafter, till the filing of the present petition in May 2025, petitioner no. 1 had been summoned on nine occasions, petitioner no. 2 on four occasions, and



petitioner no. 3 on six occasions solely for the purpose of recording their testimony. However, for one reason or the other, their evidence could not be recorded fully on each of those dates, resulting in repeated appearances of the child victims before the Trial Court. It was also pointed out that the victims were experiencing distress and trauma due to repeated court appearances and had conveyed the same to their respective support persons, expressing reluctance to visit the court again.

26. **Therefore**, in light of the abovesaid, this Court is of the considered opinion whenever the child victim is summoned for recording of testimony, the Special Court should endeavour to fix specific dates and ensure that the necessary arrangements are in place so that the examination-in-chief and cross-examination are conducted without unnecessary adjournments. This would ensure compliance with the legislative intent of the POCSO Act and prevent avoidable hardship to the child witness.

C. Use of Video Conferencing for Examination of Vulnerable Witnesses

27. The issue of recording testimony of vulnerable witnesses through video-conferencing or other protective arrangements must also be examined in light of the existing framework already in place. As noted above, pursuant to the directions of the Hon'ble Supreme Court in *Smruti Tukaram Badade v. State of Maharashtra* (*supra*), this Court has framed the 'Guidelines of the High Court of Delhi for



Recording of Evidence of Vulnerable Witnesses, 2024'. These Guidelines provide a comprehensive procedure to ensure that vulnerable witnesses, including child victims, are able to depose in a safe and supportive environment.

28. The said Guidelines recognise that the recording of testimony need not always take place through the conventional method of a witness physically appearing in the courtroom. In this regard, the Guidelines define the concept of a “*live link*”, which includes the use of audio-video electronic means or other technological arrangements whereby a witness, while not physically present in the courtroom, can still give evidence and be cross-examined through remote communication. The Guidelines also recognise the use of various *testimonial aids*, such as screens, single-visibility mirrors, curtains, live links and other technological devices, to ensure that the vulnerable witness is able to depose without fear or intimidation. The Guidelines further provide for certain *pre-trial measures* intended to reduce anxiety and trauma for vulnerable witnesses. These include allowing such witnesses to undertake a pre-trial visit to the court premises along with a support person or para-legal volunteer, so that they may familiarise themselves with the courtroom environment, understand the basic court procedure, and become aware of the protective measures available to them. Such measures are intended to help the witness feel more comfortable and prepared before their testimony is recorded.

29. Insofar as the recording of evidence through video-link is



concerned, the Guidelines specifically permit any party, the prosecutor, or the guardian of the vulnerable witness to apply for an order that the testimony be recorded from a room outside the courtroom and transmitted to the courtroom through live-link television or other technological means. The court may also pass such directions on its own motion where it considers it appropriate for the protection of the witness. While considering such a request, the court is required to take into account various factors including the age and mental condition of the witness, the likelihood of trauma if the witness is required to testify in the presence of the accused, the nature of the offence, the relationship between the witness and the accused, and the wishes of the vulnerable witness regarding the manner in which the testimony should be recorded.

30. For reference, the relevant guidelines are set out below:

“3. Definitions -

x x x

j. Live Link – ‘Live link’ means and includes a live television link, audio-video electronic means or other arrangement whereby a witness, while not being physically present in the courtroom is nevertheless present in the courtroom by remote communication using technology to give evidence and be cross-examined

x x x

l. Testimonial Aids – means and includes screens; single visibility mirrors, curtains, live links, image and/or voice altering devices; or any other technical devices, facilities and equipment.

10. Pre-trial visit of Witnesses to the Court -



Vulnerable witnesses shall be allowed a pre-trial court house tour or tour of the civil court or Juvenile Justice Board, etc., along with the support person or para-legal volunteer, as the case may be, to enable such witnesses to familiarise themselves with the layout, and may include visit to and explanation of the following:

- a. the location of the accused in the dock;
- b. court officials (what their roles are and where they sit);
- c. who else might be in the court;
- d. the location of the witness box;
- e. a run-through of basic court procedure;
- f. the facilities available in the court which may include the waiting room, toilet, separate passage for entry and exit, and testimonial aids;
- g. discussion of any particular fears or concerns, including concerns regarding safety in relation to the accused, with the support person, prosecutors and the judge to dispel the fear, trauma and anxiety in connection with the upcoming deposition at court;
- h. demonstration of any special measures applied for and/or granted, for example practising on the live link and explaining who will be able to see them in the courtroom, and showing the use of screens (where it is practical and convenient to do so).

20. Live-link television testimony in criminal cases where the vulnerable witness is involved –

- (i) Any party in the case, the prosecutor, counsel or the guardian ad litem may apply for an order that the testimony of the vulnerable witness be taken in a room outside the courtroom and be televised to the courtroom by live-link television.
- (ii) In order to take a decision of usage of a live-link the judge may question the vulnerable witness in chambers, or in some comfortable place other than the courtroom, in the presence of the support person, guardian ad litem, prosecutor, and counsel for the parties. The questions of the judge shall not be related to the issues at trial but to the feelings of the vulnerable witness



about testifying in the courtroom.

(iii) The court on its own motion, if deemed appropriate, may pass orders in terms of (i) or any other suitable directions for recording the evidence of a vulnerable witness.

22. Factors to be considered while considering the application under Guidelines-

(i) The court may order that the testimony of the vulnerable witness be taken by live-link television if there is a substantial likelihood that the vulnerable witness would not provide a full and candid account of the evidence if required to testify in the presence of the accused/opposite party, their counsel or the prosecutor as the case may be or if the vulnerable witness is likely to be traumatised by exposure to the accused.

(ii) The order granting or denying the use of live-link television shall state the reasons therefore and may consider the following:

- a. the age and level of development of the vulnerable witness;
- b. the physical and mental health, including any intellectual or physical disability of the vulnerable witness;
- c. any physical, emotional, or psychological harm related to the case on hand or trauma experienced by the vulnerable witness;
- d. the nature of the alleged offence/case and circumstances of its commission;
- e. any threats against the vulnerable witness;
- f. the relationship of the vulnerable witness with the accused or adverse party;
- g. the reaction of the vulnerable witness to any prior encounters with the accused/opposite party in court or elsewhere;
- h. the reaction of the vulnerable witness prior to trial when the topic of testifying was discussed by parents or professionals;
- i. specific symptoms of stress exhibited by the vulnerable witness in the days prior to testifying;
- j. testimony of expert or lay witnesses;
- k. the custodial situation of the child and the attitude of the members of the child's family regarding the events about which the child will testify;



l. the wishes of the vulnerable witness on the manner in which they would like to render the testimony; and

m. other relevant factors, such as court atmosphere and formalities of court procedure.

(iii) The court shall ensure ahead of time that the equipment is working, recordings can be played and that camera angles will not permit the witness to see the defendant. The court shall not wait until the victim or vulnerable witness is in the live link room to run checks: delays and malfunctions can be disruptive to the vulnerable witness. Where a live link is being used during the vulnerable witness's testimony, ensure that they are able to see all of the questioner's face. It should be explained that the judge or magistrates can always see the vulnerable witness over the live video link even when the witness cannot see the judge or magistrates."

31. The statutory scheme under the POCSO Act also reflects a similar legislative intent. Section 36 of the POCSO Act mandates that the Special Court shall ensure that the child is not exposed to the accused while giving testimony. At the same time, the provision ensures that the accused is able to hear the statement of the child and communicate with his advocate. For achieving this purpose, Section 36 specifically permits the use of video-conferencing, single-visibility mirrors, curtains or other suitable devices so that the child can depose without being directly confronted with the accused.

32. Thus, both the statutory framework under the POCSO Act and the Guidelines framed by this Court recognise that the use of technology and protective arrangements is an important tool to ensure that the testimony of vulnerable witnesses is recorded in a manner that is both – *fair to the accused and sensitive to the needs of the victim*.



33. It may also be noted that even prior to the framing of detailed guidelines regarding vulnerable witnesses, courts in India have, in appropriate cases, permitted the testimony of victims of sexual offences to be recorded through video-conferencing, particularly where the victim was residing outside the jurisdiction of the court. The law in this regard has gradually evolved through judicial precedents recognising that technological means can be used for recording evidence without compromising the rights of the accused or the fairness of the trial.

34. In ***Vinod Kumar v. State (NCT of Delhi)***: 2023 SCC OnLine Del 8287, this Bench had permitted the testimony of a prosecutrix, who was a citizen of the United States of America, to be recorded through video-conferencing. While allowing the said request, this Court had examined the legal position relating to recording of evidence through video-conferencing and referred to relevant precedents of the Hon'ble Supreme Court, including ***State of Maharashtra v. Dr. Praful B. Desai***: (2003) 4 SCC 601 wherein it was held that recording of evidence through video-conferencing satisfies the requirement of Section 273 of the Cr.P.C., which mandates that evidence must be recorded in the presence of the accused; that the video-conferencing enables the parties to see and hear each other in real time and allows the accused and his counsel to effectively cross-examine the witness; and that technological advancements have made it possible for courts to record evidence through such means without causing prejudice to the accused, and



that the demeanour of the witness can also be observed when the testimony is recorded through video-conferencing.

35. This Court had also observed in the aforesaid judgment that the use of video-conferencing does not prevent the trial court from observing the demeanour of the witness. The witness remains visible to the judge and the parties on the screen during the course of testimony. Reference was also made to the High Court of Delhi Rules for Video Conferencing for Courts, 2021, which expressly permit the court to record the demeanour of a person being examined through video-conferencing. In this regard, it is also relevant to note that the Guidelines of the High Court of Delhi for Recording of Evidence of Vulnerable Witnesses, 2024 specifically provides as under:

“39. Application of High Court of Delhi Rules of Video Conferencing for Courts 2021-

Wherever required, the “High Court of Delhi Rules of Video Conferencing for Courts 2021” shall apply.”

36. In view of the aforesaid statutory provisions, judicial precedents and the Guidelines framed by this Court, it is evident that the criminal justice system now recognises the need to adopt procedures that minimise the trauma of vulnerable witnesses while ensuring fairness to the accused. The object of these safeguards is not only to protect the dignity of the victim but also to ensure that the testimony is recorded in an atmosphere where the witness is able to depose freely and without fear.

37. Therefore, the learned Trial Courts dealing with cases



involving child victims or other vulnerable witnesses must ensure that the evidence of such witnesses is recorded **in a timely and effective manner**, without repeatedly summoning them to court on multiple dates without meaningful progress in the trial. Once the witness-victim is summoned for the purpose of recording evidence, the court should make all necessary efforts to ensure that the examination-in-chief and cross-examination are conducted without unnecessary adjournments, so that the witness is not required to appear repeatedly before the court.

38. In appropriate cases, and particularly where a request is made by the victim, the facility of **video-conferencing or live-link testimony**, as envisaged under Section 36 of the POCSO Act and the Guidelines of the High Court of Delhi for Recording of Evidence of Vulnerable Witnesses, 2024, must be utilised for recording the testimony — in accordance with the procedure set out in the said Guidelines.

39. Though it has been urged before this Court that specific guidelines be laid down to the effect that in cases under the POCSO Act where the accused persons or their counsel seek two or more adjournments resulting in delay in the examination of minor victims, the learned Trial Courts should permit the recording of such cross-examination through video-conferencing, this Court is of the view that in light of the detailed directions already issued by the Hon'ble Supreme Court, and the Guidelines of the High Court of Delhi for Recording of Evidence of Vulnerable Witnesses, 2024 — no further



guidelines are required to be laid down in this regard.

40. Moreover, in compliance with the decision of Hon'ble Supreme Court in ***Smruti Tukaram Badade v. State of Maharashtra*** (*supra*), there is already a Committee constituted on the administrative side i.e. '*Committee to monitor proper implementation of several guidelines laid down by the Supreme Court as well as this Court for dealing with matters pertaining to sexual offences, child witnesses and other vulnerable witnesses*' to oversee the implementation of the Supreme Court's guidelines relating to the examination and protection of victims and vulnerable witnesses in cases involving sexual offences.

41. *At the same time, suffice it to say*, this Court is of the view that all the learned Trial Courts must adopt a **balanced and compassionate approach** while considering any such requests by the victim, especially in situations where the victim has already been called to court repeatedly for the purpose of recording evidence. The ultimate consideration must be to ensure that the trial process does not become a source of further distress or re-traumatisation for the victim, while maintaining the essential safeguards of a fair criminal trial.

D. Presence of Victim during Bail Hearings in Cases of Sexual Offences

42. This Court now proceeds to deal with the last issue which has been urged before this Court during the course of hearing. The issue



concerns the manner in which victims are required to appear before the Court during the hearing of bail applications in cases involving sexual offences, particularly under the POCSO Act.

43. In this regard, the attention of this Court was drawn to the order dated 11.01.2023 passed by a Coordinate Bench of this Court in **XXXX v. State** (*supra*). The said order reads as under:

"1. During the course of hearing of this appeal, it was pointed out by Mr Pujari, learned counsel appearing for the appellant as well as Ms Mishra, Secretary (Litigation), DSLSA that many of the victims in POCSO cases were being asked to appear physically or virtually in Court at the time of hearing bail applications. This has led to a situation where the victims were being forced not only to potentially interact with the accused person but also be present in Court when arguments regarding the offence were taken up for hearing.

2. The psychological impact on a POCSO victim being present in Court during the arguments is grave as there are allegations, accusations, doubting the integrity, character, etc. of the prosecutrix, her family, etc. The presence of the prosecutrix victim in Court at the time of arguments, according to me, has an adverse impact on the psyche of the prosecutrix. The prosecutrix is forced to be present in Court with the accused, who is the same person who has allegedly violated her. It was felt that it would be in the interest of the victim that she is not traumatized again and again by re-living the said incident by being present in Court proceedings.

3. In this view of the matter, the DHCLSC, DSLSA as well as Mr Pujari were directed to give suggestive practice directions. The suggestive practice directions have been forwarded to this Court and I am in agreement that the said directions, if implemented in its true letter, spirit and intent, may help in reducing the trauma of a POCSO victims. In this view of the matter and in addition to the practice directions issued earlier, it is further directed that during bail hearings of a POCSO case, the following guidelines shall also be adhered to: "i. The IO shall ensure that timely service of notice of bail application is made on the victim/ prosecutrix, so that she gets reasonable



amount of time to enter appearance and make her submissions.

ii. The Investigating Officer while serving notice/summons of the bail application to the victim/ prosecutrix shall make relevant inquiries about the victim and her circumstances and shall document the same in order to assist the court in the hearing of the bail application and to facilitate effective representation and participation on behalf of the victim. The IO should ensure that while making such enquiries the victim is not made to feel uncomfortable or questioned like an accomplice to a crime. Necessary sensitivity ought to be displayed by the IO while making these enquiries.

iii. The victim can be produced virtually before the Court (either by the IO/ Support person before the Court) (by way of Video Conferencing) or by taking assistance of the District Legal Services Authority. Hybrid form of hearing of bail applications would suitably address the concerns of the victim while at the same time safeguarding the rights of the accused. Victim and the accused shall not come face to face in this manner and this can prevent the re-traumatization of the victim.

iv. If the victim gives it in writing that her counsel/ parent/guardian/ support person shall appear on her behalf and make submissions on the bail application, insistence on physical or virtual presence of the prosecutrix shouldn't be made. A written authorization of the victim authorising another to make submissions on her behalf (after victim is duly identified by the IO) and said authorization is forwarded by the SHO, should suffice.

v. If the victim has appeared in court on one date of hearing of a bail application, her presence on subsequent dates can be dispensed with and RCC lawyer/ counsel/ parent/guardian/ support person representing the victim in court can be permitted to make submissions on behalf of the victim. On the day of the first appearance of the victim/prosecutrix, her submissions qua the bail application can be recorded by the Court and the same maybe used for the purpose of adjudicating on the bail application. The victim's opinion and objections regarding bail application on the first interaction can be mentioned in the order passed on the day of interaction between the Ld. Judge and the victim and this order can then be relied on at the stage of final disposal of bail application.

vi. In certain exceptional cases, in- chamber interaction with the victim can be done and her submissions qua the bail



application can be recorded in the order sheet passed on that day, so that the same may be considered at a later stage.

vii. While recording the submissions/ objections/ statement of the victim qua the bail application, appropriate questions may be put to the victim to elicit her responses instead of bluntly asking her “Do you want bail to be given to the accused or not?” Rather questions can be put to her to ascertain what her apprehensions and fears are in case the accused is granted bail in the matter, for bail is to be granted by the Court concerned on the basis of overall appreciation of facts and circumstances of the case and in the light of well settled principles governing the grant of bail.

viii. Whenever the victim comes to court for a hearing on the bail application, the support person provided to her should be present with her so as to provide the necessary psychological or logistical support to the victim/prosecutrix.

ix. It may further be clarified that victim's presence may not be insisted on in cases under POCSO Act, where the accused is a child in conflict with law, because the considerations for grant of bail to the child in conflict with law are not dependant on the apprehensions of the prosecutrix. Section 12 of the Juvenile Justice (Care and Protection) Act, 2015 delineate separate parameters for considering grant of bail to children in conflict with law and giving an audience to the prosecutrix will not have any bearing on the same.

x. Further, after the bail application is disposed off, the copy of the order should be mandatorily sent to the victim. This becomes important since the victim's main concern is her safety in case the accused is enlarged on bail. By providing her a copy of the bail order the victim is made aware about the status of the accused and the conditions of the bail and her right to approach the court for cancellation of bail in case of breach of conditions of bail.

xi. It would further be in the fitness of things that the Judicial Officers are sensitized about the need to reduce interface of victim with the accused in court to the minimum possible and to permit victim to be represented through an authorised person in court at the time of hearing of bail application, instead of insisting for appearance of the victim in person (either virtually/physically). Judicial Officers may be sensitized to the extent that Practice Directions issued by the Hon'ble High Court of Delhi on 24.09.2019 and judicial directions in “Reena



Jha v. Union of India” and “Miss ‘G’ (Minor) through her Mother v. State of NCT of Delhi” were issued to ensure that victim doesn’t remain unrepresented or unheard when the question of granting bail to the accused is being considered. However, it wasn’t meant to invariably call for presence of victim on all dates of hearing in bail application so that the process itself becomes a punishment for the victim by exposing her to the accused/ his counsel frequently and reopening her emotional and psychological wounds.”

4. The Secretary (Litigation), DSLSA who is present in Court shall circulate the order to all necessary parties and stake holders.”

44. A reading of the aforesaid order shows that the Coordinate Bench had issued certain practice directions with the object of reducing the trauma that may be caused to victims of sexual offences during the course of bail proceedings. The directions recognise that although the victim has a right to be heard when the question of grant of bail to the accused is being considered, repeated appearance of the victim before the Court, either physically or virtually, may have an adverse psychological impact. Therefore, the directions emphasise that while the victim must be given an opportunity to present her objections to the grant of bail, her presence should not be insisted upon repeatedly once her views, in respect of bail plea of the accused, have been recorded. The directions further clarify that the victim may be represented through counsel, parent/guardian, support person, or the concerned Legal Services Authority, and that appropriate arrangements such as virtual appearance or *in-camera* interaction may be adopted so as to minimise the interface between the victim and the accused.



45. In the present case, however, it has been brought to the notice of this Court that the **victims were called upon to appear before the Court on about eleven occasions only for the purpose of hearing arguments on the bail application.** Such repeated appearance of the victims was clearly not in consonance with the spirit of the directions issued in *XXXX v. State (supra)*.

46. **In the opinion of this Court,** the objection of the victim child in such cases, to the grant of bail to the accused, could be recorded at the first instance itself. Once the views of the victim have been noted, the bail application can thereafter be contested on her behalf by her counsel or authorised representative. Requiring the victim to remain present on multiple dates of hearing of a bail application may result in unnecessary distress and may defeat the very purpose of the safeguards intended to minimise repeated exposure of the victim to the court process during such proceedings.

E. Conclusion

47. In view of the discussion hereinabove, it can be concluded as under:

(i) The expression “*vulnerable witness*” in criminal proceedings includes victims of sexual offences and child victims under the POCSO Act, who require a sensitive and protective approach during investigation and trial.

(ii) The statutory scheme of the POCSO Act mandates



adoption of child-friendly procedures so as to ensure that the child victim is not subjected to repeated or unnecessary appearances before the Court and that the trial process does not result in re-victimisation or further trauma.

(iii) Courts are empowered to adopt appropriate procedural mechanisms, including recording of evidence through video conferencing or other suitable modes, so as to minimise the exposure of vulnerable witnesses to the accused and reduce the psychological stress associated with court proceedings.

(iv) At the stage of consideration of bail applications, while the victim has a right to be heard, once the objections or views of the victim regarding the grant of bail have been recorded, repeated insistence on the physical or virtual presence of the victim on every date of hearing ought to be avoided.

(v) The judicial precedents and practice directions governing the protection of vulnerable witnesses are required to be followed in their true letter and spirit so that the criminal process itself does not become a source of distress to such witnesses.

48. The present exercise has been undertaken so that the relevant legal principles and judicial precedents governing these issues are consolidated in one judgment and may serve as a ready reference. This has also been considered necessary in view of the submission



2026:DHC:2046



made before this Court that despite various directions issued from time to time, the same are not being uniformly followed by the learned Trial Courts/Special Courts.

49. Accordingly, a copy of the present judgment be circulated to all learned Trial Courts/Special Courts and all Judicial Officers in Delhi for their information and necessary guidance.

50. This Court places on record its appreciation for the valuable assistance rendered by Ms. Prachi Dubey, learned Amicus Curiae.

51. The petition, alongwith pending application, is disposed of in above terms.

52. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 11, 2026/ns
T.D./T.S.