$~39 to 43

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

\+ CRL.M.C. 3503/2011

DHRUV VARMA ..... Petitioner
Through Mr.Ranbir Singh Kundu, Adv.

versus

RATNA COMMERCIAL ENTERPRISES LTD & ANR
..... Respondents
Through Mr.Sunil Sharma, APP

(40) CRL.M.C. 3504/2011

DHRUV VARMA ..... Petitioner
Through Mr.Ranbir Singh Kundu, Adv.

versus

RATNA COMMERICIAL ENTERPRISES LTD & ANR
..... Respondents
Through Mr.Sunil Sharma, APP

(41) CRL.M.C. 3505/2011

DHRUV VARMA ..... Petitioner
Through Mr.Ranbir Singh Kundu, Adv.

versus

RATNA COMMERICIAL ENTERPRISES LTD & ANR
..... Respondents
Through Mr.Sunil Sharma, APP

(42) CRL.M.C. 3506/2011

DHRUV VARMA ..... Petitioner
Through Mr.Ranbir Singh Kundu, Adv.

versus

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RATNA COMMERICAL ENTERPRISES LTD & ANR
..... Respondents
Through Mr.Sunil Sharma, APP for the State.

(43) CRL.M.C. 3507/2011

DHRUV VARMA ..... Petitioner
Through Mr.Ranbir Singh Kundu, Adv.

versus

RATNA COMMERCIAL ENTERPRISES LTD & ANR
..... Respondents
Through Mr.Sunil Sharma, APP for the State.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **20.10.2011**

1. These are five petitions under Section 482 Cr.P.C. for setting aside the order dated 1.10.2011 by virtue of which the Court of Sessions has dismissed the Revision Petition of the petitioner against the order dated 4.8.2011 passed by the learned MM.

2. It may be pertinent here to mention that the learned MM had closed the right of the petitioner to cross examine the complainant on account of the fact that despite various opportunities having been given to the petitioner to cross examine the complainant, the petitioner instead of cross examining, kept on taking dates.

3. On the date when the right to cross examine the witness was

closed, last and final opportunity was given to the petitioner and therefore, in my considered opinion, the petitioner had been sufficiently put to notice that he must cross examine the complainant and he could not keep the complainant hanging.

4. Feeling aggrieved by the aforesaid order, the petitioner preferred a Revision Petition bearing no.51/2011 titled **Dhruv Varma Vs. Ratna Commercial Enterprises Ltd.** The learned Sessions Judge did not find any illegality or impropriety in the order passed by the learned MM closing the right of the petitioner to cross examine the complainant.

5. This was on account of the fact that he had also taken note of the fact that sufficient opportunities had been given to the present petitioner.

6. It is informed to the Court that the cheque in the instant case happens to be of Rs.50 crores and the civil litigation is pending between the parties. Obviously, the very fact that the cheque was of hefty amount of Rs.50 crores, the petitioner must have been indulging in dilatory tactics so as to delay the disposal of the case. Therefore, the learned Magistrate as well as the learned Sessions Judge were absolutely right in not giving any relief to the petitioner.

7. In addition to this, another difficulty in passing any order in

favour of the petitioner is that Section 397 (2) Cr.P.C. clearly lays down that a second revision petition is not maintainable. The petition though filed by invoking inherent powers under Section 482 Cr.P.C. tantamounts to a second revision.

8. So far as the powers under Section 482 Cr.P.C. are concerned, they have to be exercised when there is some abuse of the processes of law or when an order is required to be passed in the interest of justice.

9. In the present facts of the case, I feel neither there is any abuse of the processes of law nor the interest of justice warrants to pass an order other than the one passed by the courts below. The petitioner has not attached the order sheets of the trial court which I feel has been done deliberately as it would have shown the conduct of the petitioner. Law should not to help a person who is involved in dilatory tactics. Accordingly, the petitions are totally misconceived and the same are dismissed.

10. The learned counsel for the petitioner has contended that this was the second opportunity and he was in custody before that. No prima facie evidence has been placed on record in this regard. If this was the submission of the learned counsel for the petitioner is believed that only two opportunities had been given then he ought to have been vigilant, at least while filing a

petition under Section 482 Cr.P.C. and place a copy of the orders, passed by the Trial Court, on all the dates, on record, in order to show as to whether he was involved in dilatory tactics or not. This has not been done, therefore, I do not find any merit in this contention of the learned counsel for the petitioner.

11. Accordingly, the petitions are dismissed.

V.K. SHALI,J

OCTOBER 20, 2011
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