



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/1730/2026</u> Praveen Kumar --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Saurabh Kumar Pandey, learned counsel for the applicant. Ms. Meenakshi Sharma, learned A.G.A. for the State of Uttarakhand. 2. By means of the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has prayed for quashing the order dated 21.07.2026 passed by the learned Sessions Judge, Dehradun in Criminal Revision No. 180 of 2026, whereby the revision preferred by the applicant was dismissed, and also for setting aside the order dated 10.07.2026 passed by the learned Judicial Magistrate/IInd Additional Civil Judge (J.D.), Dehradun in Criminal Complaint No. 3614 of 2021, titled Praveen Kumar vs. Arvind Manudi, under Section 138 of the Negotiable Instruments Act, 1881, whereby the application filed by the applicant under Section 311 Cr.P.C. was rejected. 3. Briefly stated, despite several opportunities granted by the trial court, the applicant failed to appear for cross-examination and to lead his evidence. Consequently, vide order dated 07.03.2026, the learned trial court closed the opportunity of the applicant to adduce evidence. Thereafter, the applicant moved an application under Section 311 Cr.P.C. on 01.07.2026



		stating therein that he had no knowledge of the order dated 07.03.2026 and that after engaging a new counsel, he came to know about the said order, whereupon the application was filed without delay. The said application came to be rejected by the learned Judicial Magistrate vide order dated 10.07.2026, which order was affirmed by the revisional court vide order dated 21.07.2026. 4. Having considered the submissions and perused the material available on record, this Court does not find any patent illegality, perversity or jurisdictional error in the impugned orders passed by the courts below. The applicant was granted sufficient opportunities by the trial court and failed to avail the same. However, considering the nature of the proceedings under Section 138 of the Negotiable Instruments Act and in order to afford the applicant a final opportunity to put forth his defence so that the matter may be decided on merits, this Court is of the opinion that the ends of justice would be served by granting one last opportunity to the applicant, subject to payment of costs. 5. Accordingly, the impugned orders dated 10.07.2026 and 21.07.2026 are set aside. The application filed by the applicant under Section 311 Cr.P.C. shall stand allowed subject to costs of ₹10,000/-. Out of the said amount, 50% shall be paid to respondent no. 3 and the remaining 50% shall be deposited with the Advocates Welfare Fund maintained by the High Court Bar Association. 6. The learned Judicial Magistrate/IInd Additional Civil Judge (J.D.), Dehradun is requested to fix a specific date and grant one last and final opportunity to the applicant to remain present and
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proceed with the cross-examination and to adduce such evidence as may be permissible in law. It is made clear that no further opportunity shall be granted to the applicant on any ground whatsoever.

7. With the aforesaid observations and directions, the present application stands disposed of.

(Alok Mahra, J.)

10-08-2026

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