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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 24th August, 2026

CNR No. DLHC010738122024

+ CRL.M.C. 8524/2024&CRL.M.A. 32532/2024

ABDUL KHALID

.....Petitioner

Through: Mr. Dhan Mohan, Mr. Ravi Mishraw,
Ms. Tanisha Bhatia, Ms. Ananya
Mishra, Ms. Shivani, Mr. Hemant
Gupta, Advocates.

versus

BIR HORIZONS

.....Respondent

Through: Mr. Vijay Kingar, Advocate with
respondent.

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CNR No. DLHC010738132024

+ CRL.M.C. 8525/2024&CRL.M.A. 32531/2024

ABDUL KHALID

.....Petitioner

Through: Mr. Dhan Mohan, Mr. Ravi Mishraw,
Ms. Tanisha Bhatia, Ms. Ananya
Mishra, Ms. Shivani, Mr. Hemant
Gupta, Advocates.

versus

GURDAYAL SINGH

.....Respondent

Through: Mr. Vijay Kingar, Advocate with
respondent.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Both the petitions being connected have been taken up together.
2. Petitioner herein is facing prosecution for commission of offence under Section 138 of *Negotiable of Instruments Act, 1881*.
3. There are two separate complaints i.e. CC No. 760/2022 titled as *M/s Gurdayal Singh Vs. M/s Vastrani Export Pvt. Ltd* and CC No. 700/2022 titled



as *M/s Bir Horizons Vs. M/s Vastrani Export Pvt. Ltd.*

4. When these complaints were taken up by the learned Trial Court on 18.03.2024, statements of accused were recorded under Section 313 Cr.P.C. and simultaneously, accused was also permitted to be examined under Section 315 Cr.P.C. On the next date, learned counsel for accused though informed that the accused Company had been in moratorium, no evidence was led. Learned Trial Court granted one last opportunity to lead evidence on 20.08.2024. On said date, the accused, instead, prayed for placing on record certain more documents and the learned Trial Court closed his right to lead evidence in defence and the matter was fixed for final arguments.

5. Such orders are under challenge.

6. The next date before the learned Trial Court is stated to be 28.09.2026 for hearing final arguments. When these petitions were taken up by the learned Predecessor Bench on 25.10.2024, while issuing notice, the learned Trial Court was also directed to defer the hearing and, therefore, is no further progress in the matters.

7. Learned counsel for the petitioner submits that the petitioner i.e. accused, merely, seeks last and final opportunity to enter into witness box in his defence and would not be examining any other witness.

8. Learned counsel for respondent opposes the prayer, contending that accused, merely, wants to delay the inevitable. However after some arguments, *albeit*, without prejudice to their rights and subject to imposition of heavy cost, they express their no objection to grant of one last and final opportunity.

9. Keeping in mind the overall facts of the case and in the interest of justice, both the petitions are hereby allowed with the limited direction to the



petitioner i.e. accused Abdul Khalid to enter into witness box in terms of Section 315 Cr.P.C. and to examine himself. He would be entitled to one last and final opportunity. However, for causing delay in the matters, he is burdened with a cost of Rs. 20,000/- for each case. The cost be paid to the complainant before the learned Trial Court on the next fixed date i.e. 28.09.2026 itself and on said date, the accused would be permitted to examine himself. This shall be, however, subject to convenience of the Board position of learned Trial Court.

10. Needless to say, the learned Trial Court shall not give any unnecessary adjournment to the accused, unless there is some compelling reason. It is also made clear that the abovesaid order merely permits the accused to enter into witness box and he would not be permitted to examine any other witness.

11. Both the petitions stand disposed of in aforesaid terms.

12. Pending applications also stand disposed of.

13. A copy of this order be sent to learned Trial Court for information and compliance.

(MANOJ JAIN)
JUDGE

AUGUST 24, 2026/sw/js