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

+ W.P.(CRL) 2061/2014 and Crl. M.A. No. 15882/2014

ANGLE INFRASTRUCTURE PVT LTD & ANR Petitioners

Through :Mr. Akhil Sibal and Ms. Bina Gupta,
Adv.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through Mr. Sanjay Lao, ASC for respondent
no. 1

Mr. R.P. Luthra, Adv. for respondent
no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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27.04.2015

By this writ petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, petitioners have challenged the judgment dated 27th September, 2014 passed by the trial court, whereby application under Section 145 (2) of the Negotiable Instruments Act, 1881 (“the Act”, for short) has been dismissed whereby opportunity to cross-examine the respondent’s witness has been declined and petitioners have been convicted under Section 138 of the Act.

The grievance of the petitioners is that trial court immediately after

dismissing the applications under Section 145(2) of the Act has proceeded to pronounce the judgment of conviction without affording opportunity to lead evidence to the petitioners, inasmuch as opportunity of hearing was not afforded to the petitioners, before convicting them. During the hearing, learned counsel for respondent no. 2, submits that in order to avoid any controversy and further delay in the matter, respondent no. 2 has no objection in case the impugned judgment dated 27th September, 2014 of the trial court is set aside and petitioners are afforded opportunity to cross-examine the complainant's witness under Section 145(2) of the Act and also to lead evidence.

Accordingly, without going into the question of maintainability of petition, with the consent of the learned counsel for the parties, impugned judgment is set aside and the matter is remanded back to the trial court for affording opportunity to the petitioners to cross-examine the witnesses of the complainant, lead evidence and to proceed further in the matter in accordance with law. Parties to appear before the trial court on 11th May, 2015. On the said date, respondent no. 2 shall produce witnesses for their cross-examination. Trial court is requested to dispose of the matter expeditiously.

Writ Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Dasti.

A.K. PATHAK, J.

APRIL 27, 2015

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