

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

***Date of Decision: January 12, 2015***

+ CRL.M.C. 5366/2014

M/S INFERNO PACIFIERS(P) LTD. .... Petitioner

Through: Mr. H.S. Sharma, Advocate

versus

STATE (NCT OF DELHI) & ANR. .... Respondents

Through: Mr. Karan Singh, Additional  
Public Prosecutor for respondent  
No.1-State

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**  
**(ORAL)**

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In proceedings under Section 138 of *The Negotiable Instruments Act, 1881*, petitioner's application under Section 311 of the Cr.P.C. was dismissed by the trial court vide order of 14<sup>th</sup> February, 2014. Petitioner had preferred a revision petition against the aforesaid trial court's order, which stands dismissed vide impugned order of 30<sup>th</sup> August, 2014.

At the hearing, it was submitted by learned counsel for petitioner that the cross-examination of respondent-complainant regarding petitioner not placing order of supply of instruments and of giving cheque in question as advance payment, goes to the root of the matter and so, rejection of petitioner's application by courts below is erroneous and in the interest of justice, petitioner's application for recalling of

respondent/complainant deserves to be allowed.

Upon hearing and on perusal of the impugned orders and cross-examination of respondent-claimant which has been recorded in question-answer form, I find that respondent-claimant has been not only cross-examined in detail but on this aspect as well. In the impugned order, it is rightly stated by the Revisional Court that that petitioner has dragged the summary trial of this case for fourteen long years and the case is still pending at the stage of defence evidence and so, application filed by petitioner has been rightly rejected by the trial court.

In the considered opinion of this Court, impugned order suffers from no illegality or infirmity. Rejection of petitioner's application under Section 311 of the Cr.P.C. by the courts below is justified in the facts and circumstances of this case. There is no substance in this petition.

This petition is accordingly dismissed with direction to trial court to conclude the pending proceedings within three months from the date already fixed.

Trial court be apprised of this judgment forthwith.

**(SUNIL GAUR)**  
**JUDGE**

**JANUARY 12, 2015**

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