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

+ CRL.M.C. 1363/2016 & Crl.M.A. 5879/2016 (Stay)

SUSHILA BHANDARI Petitioner

Through Mr.R.K. Bachchan, Adv.

versus

RAJENDER KUMAR Respondent

Through Ms.Rashmi Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **28.07.2016**

Arguments heard.

The present petition has been filed by the petitioner under Section 482 Cr.P.C. read with Article 227 of the Constitution of India against the order dated 11.03.2016 passed by the Court of Session and against the order dated 09.02.2016 passed by the learned Metropolitan Magistrate.

Vide order dated 09.02.2016, the Trial Court dismissed the application under Section 311 Cr.P.C. filed by the petitioner/accused. Feeling aggrieved by the same, the petitioner filed a revision petition which was dismissed by the Court of Session vide order dated 11.03.2016.

Perusal of record shows that a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by the respondent/complainant against the petitioner/accused. The petitioner was

summoned as an accused vide order dated 20.12.2012. On 08.03.2013, notice under Section 251 Cr.P.C. was served upon the petitioner. On the request of the petitioner, the matter was adjourned for filing application under Section 145(2) of the Negotiable Instruments Act. On filing the said application, the same was allowed by the Trial Court on 15.05.2013 for cross-examination of the complainant. On 18.01.2014, the petitioner sought adjournment to cross-examine the complainant. The adjournment was granted subject to payment of cost of Rs.1,000/-. Again on 15.05.2014, adjournment was granted on the request of the petitioner, subject to payment of further cost of Rs.1,000/-. Again time was sought on behalf of the petitioner and the case was adjourned to 24.06.2014. On the said date, again adjournment was sought by the petitioner. The Trial Court closed the opportunity of the petitioner to cross-examine the complainant. On 09.09.2014, statement of the petitioner/accused was recorded under Section 313 Cr.P.C. Thereafter, the matter was fixed for leading defence evidence by the petitioner for 05.01.2015. Since the petitioner did not lead defence evidence, the defence evidence was closed by the Trial Court and the matter was fixed for final arguments.

Thereafter, an application under Section 311 Cr.P.C. was moved by the petitioner/accused which was dismissed by the Trial Court vide order dated 09.02.2016. The revision petition preferred against the said order was also dismissed vide order dated 11.03.2016.

Perusal of record clearly shows the careless attitude of the petitioner in pursuing the case. Despite having sufficient

opportunities to cross-examine the complainant, adjournments were sought time and again without any valid or genuine ground. Even the petitioner/accused has failed to produce any defence evidence in support of her defence. This Court is of the considered opinion that the petitioner has failed to show any abuse of the process of law. Hence, no relief can be granted to the petitioner in the instant petition under Section 482 Cr.P.C.

The petition and application CrI.M.A. 5879/2016 are accordingly dismissed.

P.S.TEJI, J

JULY 28, 2016
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