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

+ CRL.M.C. 2593/2016 & CrI.M.A. 11111/2016 (stay)

VIJAY KUMAR VERMA Petitioner

Represented by: Mr. Sanjiv Gupta, Adv.

versus

HARVINDER SINGH Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.09.2016

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Despite service, none is present on behalf of the respondent.

The petitioner is aggrieved by the order dated 22nd February, 2016 whereby the opportunity of the petitioner to cross-examine the complainant was closed for the reason no application under Section 145(2) of Negotiable Instruments Act was filed by the petitioner.

Learned counsel for the petitioner submits that on the two dates fixed prior to 22nd February, 2016, learned Presiding Officer was on leave and on 22nd February, 2016 the counsel could not reach the Court as he was in Chandigarh and the highway was blocked.

A perusal of the order sheets would reveal that notice was framed on the petitioner on 29th May, 2015 whereafter the matter was listed on 1st October, 2015 when the petitioner did not file the application. Thereafter, on the next two dates i.e. 17th November, 2015 and 6th January, 2016 learned Presiding Officer was on leave. Explanation for non-appearance on 22nd

February, 2016 was that the counsel for the petitioner was in Chandigarh and could not come to Delhi due to the agitation and highway being blocked.

Considering the facts and circumstances of the case, I deem it fit to grant one opportunity to the petitioner to file the application under Section 145(2) of Negotiable Instruments Act and cross-examine the complainant. The next date fixed before the learned Trial Court is 16th November, 2016 as informed by learned counsel for the petitioner on which date the petitioner will tender his application under Section 145(2) of Negotiable Instruments Act and in case learned Presiding Officer is on leave the application will be taken on record and one opportunity will be granted to him to cross-examine the complainant.

Petition and application are disposed of.

Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 02, 2016

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