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

DECIDED ON : SEPTEMBER 29, 2016

+ CRL.M.C. 3675/2016 & Crl.M.A.Nos.15405-15406/2016

OM PRAKASH KHATRI

..... Petitioner

Through : Mr.Tanmay Mehta with
Mr.C.M.Sangwan, Advocates.

Versus

KAMAL NARANG

..... Respondent

Through : None.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. has been preferred to challenge the legality and correctness of an order dated 31.08.2015 whereby the right to cross-examine the respondent in the Complaint Case '*Kamal Narang vs. Om Prakash Khatri*' filed under Section 138 Negotiable Instruments Act was closed.

2. I have heard the learned counsel for the petitioner and have examined the record. Proceedings under Section 138 Negotiable Instruments Act have been initiated by the respondent against the petitioner. The

respondent tendered his pre-summoning evidence by way of affidavit in May, 2014. On 7.4.2014, cognizance was taken and notice under Section 251 Cr.P.C. was served upon the petitioner. The matter was fixed for preferring application under Section 145(2) Negotiable Instruments Act. The petitioner, however, did not file any such application despite adjournments for the said purpose twice. By the impugned order, the learned Trial Court closed the right of the petitioner to cross-examine the respondent and adjourned the matter for recording defence evidence.

3. The petitioner did not furnish any plausible explanation on 31.08.2014 for not filing application under Section 145(2) Negotiable Instruments Act. No request was made to seek any further adjournment/opportunity for the said purpose. Since the petitioner had failed to comply with the order and to file application under Section 145(2) Negotiable Instruments Act despite according opportunities twice, the impugned order closing the opportunity to cross-examine the complainant can't be faulted. On that score, no illegality or irregularity exists in the impugned order.

4. The petitioner has not explained the inordinate delay in filing the present petition under Section 482 Cr.P.C. after the expiry of more than one year of the passing of the impugned order.

5. I find no merit in the present petition. The petition is dismissed. All pending application(s) also stand disposed of.

(S.P.GARG)
JUDGE

SEPTEMBER 29, 2016/sa