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

+ CRL.M.C. 4732/2015

PARVESH KUMAR SHARMA Petitioner

Represented by: Mr.Vikas Sharma, Advocate

versus

STATE (NCT OF DELHI) & ANR Respondents

Represented by: Mr.Akshai Malik, APP FOR r-1

None for R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **20.09.2016**

1. Vide order dated July 07, 2015 the learned Metropolitan Magistrate has issued two distinct directions. The first is to dismiss petitioner's application filed under Section 311 Cr.P.C. to recall CW-1, CW-2 and CW-3 for further cross-examination. The second is to note that application filed by the complainant to permit him to examine two more witnesses was allowed on July 08, 2013 and therefore summons were issued to the said two witnesses to appear on October 07, 2015.
2. Challenge is to the order in its entirety.
3. As regards the challenge to the second limb of the impugned order, suffice it to record that the complainant was allowed to examine two more witnesses as per order dated July 08, 2013 and the second limb of the impugned order is ministerial in nature.
4. The petitioner having not challenged the order dated July 08, 2013

cannot call upon this Court to exercise its inherent power and not to permit the complainant to examine two more witnesses.

5. As regards the first direction issued in the impugned order denying petitioner right to re-summon CW-1, CW-2 and CW-3 for further cross-examination, the impugned order records the propensity of the petitioner to repeatedly seek adjournment. The petitioner is facing trial for having committed an offence punishable under Section 138 NI Act. Cheque issued by him to the complainant has been dishonoured by the banker on ground of insufficient funds.

6. I have perused the application filed by the petitioner under Section 311 Cr.P.C. and find no good ground disclosed therein as to why CW-1, CW-2 and CW-3 were not cross-examined fully by the petitioner. Why does the petitioner intend to further cross-examine the witnesses has not been brought out succinctly.

7. The petition is accordingly dismissed.

Crl.M.A.No.17005/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

SEPTEMBER 20, 2016

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