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

+ CRL.M.C. 2296/2016 & Crl. M.A. No. 9651/2016

RENU KALRA Petitioner
Through Mr. Raj Kumar Chandiwal, Adv.

versus

HARISH CHOUDHARY Respondent
Through Mr. R.S. Dakha and Mr. Sunny Jain,
Advs.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **11.10.2017**

A complaint under Section 138 of the Negotiable Instruments Act, 1881 (“the Act”, for short), filed by the respondent against the petitioner, is pending before the trial court. Petitioner filed an application under Section 145(2) of the Act for cross-examining the respondent and the same was allowed vide order dated 22nd February, 2014. Matter was listed for 12th May, 2014 for respondent’s evidence. At the request of counsel for the petitioner, matter was adjourned to 5th August, 2014. On 5th August, 2014 matter was adjourned to 14th November, 2014 as Presiding Officer was on leave. It was again adjourned to 14th January, 2015. Proxy counsel for the

petitioner appeared in Court and sought adjournment, which was granted, subject to cost of ₹2,000/- and matter was fixed for evidence on 17th March, 2015. On 17th March, 2015, it was adjourned to 21st April, 2015 since lawyers were on strike. On 21st April, 2015 again adjournment was sought by the petitioner, which was granted, subject to cost of ₹3,000/- and the matter was listed for 14th August, 2015. Even on 14th August, 2015 witness was not cross-examined and adjournment was prayed. Opportunity of petitioner to cross-examine the complainant (respondent) was closed. Petitioner filed a Revision Petition before the Additional Sessions Judge, which was allowed, subject to cost of ₹10,000/- and petitioner was afforded opportunity to cross-examine the respondent. On 28th October, 2015 CW1 was partly cross-examined and remaining cross examination was deferred to 29th October, 2015 for want of documents. Since, documents could not be produced on that day, the matter was adjourned to 19th December, 2015. On 19th December, 2015, counsel for the petitioner was not available when the matter was called out at 11:30 am, 12:00 noon, 12:30 pm, 12:55 pm, 1:05 pm. Accordingly, opportunity of petitioner to cross-examine the respondent was closed. Petitioner preferred the Revision Petition, which has been dismissed by the Additional Sessions Judge, Central District, Delhi, keeping in mind the fact

that ample opportunities were granted to the petitioner to cross-examine the CW1, but he failed to avail the same. I do not find any illegality or irregularity in the impugned order.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

OCTOBER 11, 2017

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