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

DECIDED ON : 8th FEBRUARY, 2017

+ **CRL.M.C.2984/2016 & CRL.M.A.No.12806/2016**

SHARDANAND SINGH Petitioner

Through : Mr.Rajesh Manchanda, Advocate
with Rajat Manchanda &
Rameezuddin, Advocates.

versus

THE STATE & ANR. Respondents

Through : Mr.Kamal Kr.Ghei, APP for State/R-1
Ms.Shabnam Sheikh, Advocate for
R-2.

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

S.P.GARG, J. (Oral)

1. Present petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioner to challenge the propriety and legality of orders dated 19.01.2016 and 05.07.2016 of learned Metropolitan Magistrate whereby the petitioner's right to cross-examine the complainant was closed. Petition is contested by the respondent No.2.

2. I have heard the learned counsel for the parties and have examined the file. Admittedly, petitioner is facing proceedings under Section 138 Negotiable Instruments Act instituted by respondent No.2. The petitioner was given an opportunity to cross-examine the complainant. On

14.05.2015, the complainant was partly cross-examined and further examination was deferred. On 19.01.2016 when the petitioner failed to further cross-examine the complainant, the right to cross-examine was closed. Subsequent application moved under Section 311 resulted in its dismissal vide order dated 05.07.2016. Same was the result of the revision petition which was dismissed as withdrawn vide order dated 08.08.2016.

3. During the course of arguments, learned counsel for the petitioner informed that he wishes to put only two documents in the further cross-examination of the complainant. Learned counsel for the respondent has no objection except to costs if petitioner is permitted to cross-examine the complainant to that extent.

4. Resultantly, the petitioner shall cross-examine the complainant on the next date of hearing before the Trial Court or any other date given by the Trial Court for that purpose, subject to costs ₹5,000/- to the complainant, only to put two documents to him.

5. The petition stands disposed of in the above terms. Copy of the order be sent to the Court concerned for information.

6. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

FEBRUARY 08, 2017 / *tr*