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

DECIDED ON : 31st MAY, 2017

\+ **CRL.M.C. 2119/2017**

AARTI ANAND ..... Petitioner

Through : Ms.Shalini Sharma, Advocate.

VERSUS

PRAVEEN BHATIA ..... Respondent

Through : None.

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

S.P.GARG, J. (Oral)

CRL.M.A.No.8713/2017 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2119/2017 & CRL.M.A.No.8714/2017 (Stay)

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 06.12.2016 of learned Metropolitan Magistrate whereby the application under Section 311 Cr.P.C. was dismissed.

2. I have heard the learned counsel for the petitioner and have examined the file. The petitioner has instituted proceedings under Section 138 Negotiable Instruments Act against the respondent. The complainant has already produced her evidence. Statement of the respondent has been recorded. The case is fixed for final disposal.

3. The petitioner intends to place on record certain documents detailed in the petition. Her contention is that these documents were obtained after her cross-examination. She further urged that these documents are material to prove that she was capable to advance loan to the respondent. No prejudice will be caused to the respondent if these documents are taken on record.

4. The Trial Court has given cogent reasons in the impugned order declining to allow the application under Section 311 Cr.P.C. The alleged loan transaction took place on 01.12.2012, 05.03.2013 and 28.06.2013. It records that the employment of the petitioner's son with NGO M/s.Meher Charitable Society dated 01.08.2013 is of no relevance as the transaction had taken place before that. Similarly, loan agreement dated 21.07.2015 showing that the loan was availed by the complainant / her son is of no consequence as it was relating to the subsequent period. Income Tax Returns for the year 2009 – 2010, 2010 – 2011 and 2011 – 2012 were not considered relevant for disposal of the case as alleged transaction was not reflected therein.

5. Merely because certain questions have been put by the learned counsel for the respondent in petitioner's cross-examination, it does not give rise to place on record documents which are not relevant to the issue in question.

6. I find no illegality or material irregularity in the impugned order. The petition is dismissed in limine.

7. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

MAY 31, 2017 / *tr*