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

+ CRL.M.C. 4779/2015 and CrI.M.A.2904/2016

M/S KRRISH REALITY NIRMAN PVT. LTD Petitioner

Through: Mr. Gurpreet Singh, Advocate with
Mr. Shivaang Gupta, Adv.

versus

NCT OF DELH I& ANR Respondents

Through: Mr. Mukesh Kumar, APP for the
State
Mr. Ashim Vachher, Adv. with
Mr. P. Piyush, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **03.10.2018**

The petitioner is accused in three criminal complaint cases (Nos.3231/2014, 3232/2014 and 3233/2014) each filed by the second respondent, each alleging offence under Section 138 of the Negotiable Instruments Act, 1881 respecting different cheques.

The cases had entered the stage of defence evidence when the petitioner (the accused) moved application seeking joinder of the trial in terms of Sections 219 and 220 of the Code of Criminal Procedure, 1973 pointing out that the three cases pertain to three identical offences allegedly committed within the space of one year, they involving same set of parties and having arisen out of the similar facts and circumstances. The prayer was declined by the Metropolitan Magistrate by order dated 26.10.2015, which was assailed through the petition at hand.

At the hearing, the learned counsel for the second respondent (the complainant) fairly conceded that the request of the petitioner may be granted and the Magistrate may be directed to hold a common trial by clubbing three cases together. It is pointed out by the counsel on both sides that pursuant to the directions in another petition, CrI.M.C.2884/2015, vide order dated 08.01.2016 the right of the cross-examination of the complainant was revived and the proceedings are now back to the stage of complainant evidence. In these circumstances, it is all the more desirable that the cases are clubbed so that they are tried together, it being permissible in above facts and circumstances in law to do so.

Thus, the petition is allowed. The Metropolitan Magistrate shall proceed further with the three cases after clubbing them for purposes of trial. Needless to add, given the old pendency, all effort will be made to expedite the proceedings.

The petition and the application filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 03, 2018

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