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

+ **CRL.M.C. 1503/2019 & CRL.M.A. 5960/2019**

MRS. KRITIMMA DEEP KAURPetitioner

Through: **Mr. Umesh Sinha and Mr. Anil Kr.
Singh, Advocates**

versus

SH. TAPESHWAR SINGH SACHDEVA & ANRRespondents

Through: **Mr. Surender Chauhan, Advocate
for respondent No. 1**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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05.07.2019

Impugned orders of 13th August, 2018 and 20th February, 2019 declined petitioner's application under Section 311 of Cr. P.C. for recall of respondent-complainant for cross-examination. It is a matter of record that respondent-complainant has not been cross-examined at all. In proceedings under Section 138 of The Negotiable Instruments Act, 1881, the cross-examination of the respondent-complainant is of utmost importance.

Upon hearing and on perusal of impugned orders, I find that for the negligence on the part of petitioner, she can be always put to terms, but the right of cross-examination ought not be declined.

Accordingly, the impugned orders are set aside and petitioner's application under Section 311 of Cr.P.C. for recall of respondent-complainant is allowed, subject to payment of cost of ₹25,000/- to

respondent-complainant before the cross-examination. It is made clear that petitioner will appear before trial court on the date fixed and only one effective opportunity be granted to petitioner to cross-examine respondent-complainant.

With the aforesaid directions, this petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 05, 2019

v