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

+ **CRL.M.C. 5598/2018 & CrI.M.A.35562/2018**

MR. MUKESH KHURANA Petitioner

Through Mr. Arun Vohra and Mr.Pankaj
Agarwal, Advs.

versus

STATE & ANR. Respondents

Through Mr. Mukesh Kumar, APP
Ms. Jyoti Gupta, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.11.2019

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Article 226/227 of the Constitution of India for setting aside the impugned order dated 15.10.2018 passed by the learned Metropolitan Magistrate-02 (NI Act), South District, Saket Courts, New Delhi.
2. Learned counsel for the petitioner fairly conceded that there was a default on behalf of the petitioner before the Trial Court. However, in the interest of justice, one more opportunity may be granted to the petitioner to further cross-examine DW-1.
3. Learned counsel for the respondent No.2 submitted that just to cut short the delay as well as in the interest of justice, he has no objection in case the petitioner is granted one opportunity to further cross-examine the DW-1 before the Trial Court subject to heavy costs.

4. Learned counsel for the petitioner submitted that the petitioner is willing and ready to pay a sum of Rs.40,000/- as costs in case the impugned order dated 15.10.2018 is set aside and the petitioner is granted one more opportunity to cross-examine the DW-1.

5. In view of the no objection of the learned counsel for the respondent No.2 as well as in the interest of justice, the impugned order dated 15.10.2018 is set aside subject to the costs of Rs.40,000/- as agreed by the petitioner to be paid to the respondent No.2 before the Trial Court and the petitioner is allowed to further cross-examine the DW-1 in the matter pending before the Trial Court on the next date of hearing itself which is fixed for arguments before it. Learned counsel for respondent No.2 submitted that DW-1 shall remain present on the next date of hearing before the Trial Court.

6. It is clarified that in case the petitioner fails to further cross-examine DW-1 on the aforesaid date, no further opportunity shall be granted to the petitioner for the cross-examination of DW-1 on any ground whatsoever.

7. The petition is disposed of. Pending application is also disposed of.

CHANDER SHEKHAR, J

NOVEMBER 07, 2019/rk