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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5235/2019 & CRL.M.A. 38128/2019**

SANDEEP SINGH VIRDI Petitioner
Through: Mr. Prateek Mehta, Advocate.

versus

BASANT LAL Respondent
Through: Mr. Gaurav Seth & Mr. Mohit
Bhardwaj, Advocates.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **06.02.2020**

Vide the present petition which is one under Section 482 of the Cr.P.C., 1973, the petitioner seeks an opportunity to cross examine the complainant witness i.e. the complainant himself namely Basant Lal qua whom the cross examination to be conducted by the petitioner was closed vide order dated 08.09.2017 of the Court of the learned MM-01, NI Act whereby, the request made by the petitioner herein seeking an adjournment in view of the non availability of the counsel was declined observing to the effect that the request had been declined in view of the previous order with the prayer made on behalf of the petitioner to set aside the impugned order dated 31.05.2019 of the Trial Court declining the prayer made by the petitioner herein under Section 311 of the Cr.P.C., 1973 and the order dated 09.09.2019 of the learned Revisional Court in CR.Rev. No.519/2019 declining the revision petition, the petitioner thus seek that the order

dated 08.09.2017 of the learned trial Court and the order dated 09.09.2019 of the learned Revisional Court be set aside.

It has been submitted on behalf of the petitioner that the cross examination of the complainant could not be conducted due to the non availability of the counsel for the petitioner and that the petitioner himself was busy in looking after his minor son aged 2 years at that time who was suffering from exstrophy of the urinary bladder and despite the same, nevertheless, did put in appearance before the learned Trial Court.

Though, there is opposition on behalf of the respondent submitting to the effect that there have been dilatory tactics being adopted by the petitioner, in as much as, in order that there is a fair adjudication of the *lis* in relation to CC No.105/2016, only one single opportunity is granted to the petitioner to conduct the cross examination of the complainant on the date to be fixed by the learned Trial Court subject to the payment of costs of Rs.15,000/- by the petitioner herein to the complainant.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2020
'neha chopra'