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

+ CRL.M.C. 5297/2023, CRL.M.A. 20136/2023 & CRL.M.A. 20139/2023

TRIPTA PURI

..... Petitioner

Through: Mr. Rishi Manchanda, Mr. Siddharth Mullick and Mr. Arun Kumar, Advs.

versus

PRASHANT JAIN

..... Respondent

Through: Mr. Chetan Roy, Adv.

+ CRL.M.C. 5299/2023, CRL.M.A. 20144/2023 & CRL.M.A. 20147/2023

SHIVANI PURI

..... Petitioner

Through: Mr. Rishi Manchanda, Mr. Siddharth Mullick and Mr. Arun Kumar, Advs.

versus

PRASHANT JAIN

..... Respondent

Through: Mr. Chetan Roy, Adv.

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Date of Decision: 01.08.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 20137-38/2023

CRL.M.A. 20145-46/2023

Exemption allowed subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 5297/2023 & CRL.M.C. 5299/2023

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**CRL.M.C. 5297/2023****CRL.M.C. 5299/2023**

1. The present petitions have been filed challenging the impugned order dated 26.04.2022 and 28.05.2022 whereby the application under Section 311 Cr.P.C. for recalling DW-1 & DW-2 for the cross-examination was partly allowed to the extent of examination of DW Kripta Puri on the limited aspect of the conversation that took place between her husband and the complainant.
2. Learned counsel for the petitioner submits that order dated 26.04.2022 indicates that the petitioner was not ever given an opportunity to address the arguments.
3. Learned counsel submits that his right of audi alteram partem has been seriously violated by the learned Trial Court.
4. On advance notice, Mr. Chetan Roy has appeared for the respondent and submits that in fact sufficient number of opportunities were given to the petitioner as reflected in order dated 28.05.2022 and the petitioner did not avail such opportunities. Therefore, the learned Trial Court on 24.06.2022 after hearing the arguments on behalf of the complainant, reserved the matter for orders.
5. There is no doubt that the courts are bound to follow the principal of natural justice and all the parties possess the right to present their case in accordance with law. However, such right cannot be for an unlimited period of time. The courts have to maintain discipline and must proceed with the trial in accordance with law.
6. The bare perusal of the record and the impugned order indicates that sufficient opportunities were given to the petitioner but they did not



avail the same. Over and above this, the order dated 28.05.2022 has been challenged a year later in July 2023 along with the petition CRL.M.A.20139/2023 seeking condonation of delay in refilling the present application. In the application, it has been submitted that initially, the petition was filed in the registry of this court, however there were certain objections of defects on account of which it was returned. It has further been submitted that thereafter learned counsel for the petitioner was not well and therefore the petitions could not be refilled. There are no dates in the said application, thus, on the face of it, I find the application is misleading. I consider that the present petitions are also liable to be dismissed on delay and laches with cost. The process of justice cannot be allowed to be misused by the parties in the manner that has been done.

7. Hence, the present petitions are dismissed with a cost of Rs. 10,000/- each to be deposited in Delhi State Legal Services Authority.

DINESH KUMAR SHARMA, J

AUGUST 1, 2023/AR