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

+ **CRL.M.C. 127/2024 & CRL.M.A. 533/2024**

Q AND T FOODS PVT. LTD. (THR. AR NISHANT
RAJ GUPTA) Petitioner

Through: Mr. Sandeep Thukral,
Adv.

versus

STATE GOVT. OF NCT OF DELHI
AND ANR. Respondents

Through: Mr. Pradeep Gahalot, APP
for the State
Mr. Praveen Kumar, Mr.
Vishvendra Singh and Mr.
Gaurav Chahal, Adv. for
R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
20.02.2024

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1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC'), challenging the order dated 05.10.2023 (hereafter '**impugned order**'), passed by the learned Metropolitan Magistrate ('MM'), Digital NI Act (North), Rohini Courts, Delhi.
2. The learned MM, by impugned order, has closed the right of the petitioner / accused to cross-examine the complainant.
3. The learned counsel for the respondent submits that the petitioner had been delaying the proceedings. He submits that even on a subsequent date, the petitioner failed to appear and in fact a wrong submission was made that the learned counsel for the petitioner was not available due to his appearance before the



Aligarh District Court.

4. He further submits that he would be satisfied if the respondent is adequately compensated and if the petitioner undertakes not to delay the proceedings in future.

5. This Court finds no infirmity with the impugned order. However, considering the fact that the respondent would be satisfied if he is adequately compensated, this Court considers it apposite to grant one last opportunity to the petitioner to cross-examine the complainant, subject to payment of cost of ₹30,000/- to the respondent. The cost be paid within a period of two weeks from today.

6. The impugned order dated 05.10.2023 is set aside and the learned Trial Court is directed to take up the matter on 04.03.2024 for the purpose of cross-examination of the complainant.

7. The learned counsel for the petitioner undertakes that the cross-examination would be conducted on the said date itself and no adjournment would be taken.

8. No further orders are required to be passed.

9. The present petition along with the pending application(s) is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 20, 2024

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