



2024:DHC:3591



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 03.05.2024***+ **CRL.M.C. 294/2024 & CRL.M.A. 1140/2024**

SONIA MADAN

..... Petitioner

Through: Mr.Amitabh Sinha and
Mr.Anupam Pandey, Advs.

versus

SANJEEV BISLA

..... Respondent

Through: Mr.Rakesh Nautiyal, Adv.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the Order dated 31.07.2023 (hereinafter referred to as the 'Impugned Order') passed by the learned Additional Sessions Judge-02/Special Judge, (NDPS), North-West District, Rohini Courts, Delhi (hereinafter referred to as the 'ASJ') in Crl. Rev. No.88/2023 titled as ***Ms.Sonia Madan v. Sh.Sanjeev Bisla***, dismissing the said revision petition.

2. The said Criminal Revision Petition was filed by the petitioner challenging the order dated 08.02.2023 passed by the learned Metropolitan Magistrate, North-West District, Rohini Courts, Delhi (hereinafter referred to as the 'Trial Court') in Ct Case No.2920/2020



2024:DHC:3591



titled as *Sanjeev Bisla v. Sonia Madan*, whereby the learned MM had closed the right of the petitioner herein to file application under Section 145(2) of the Negotiable Instruments Act, 1881 on account of repeated default and non – appearance of the petitioner herein.

3. This Court, by its Order dated 12.01.2024, while issuing notice on the present petition, had directed the petitioner to deposit costs of Rs.25,000/- with the Registry of this Court. The petitioner has duly deposited the same.

4. The learned counsel for the petitioner submits that the petitioner could not appear before the learned Metropolitan Magistrate on 08.02.2023 for the reasons beyond her control. He submits that though a counsel was engaged by the petitioner to appear before the learned ASJ, the counsel did not appear and eventually the Impugned Order was passed.

5. On the other hand, the learned counsel for the respondent submits that the petitioner has always been delaying the adjudication of the complaint case and has tried all tactics for the same. However, without prejudice to his contentions, he fairly submits that the respondent has no objection if one more opportunity is granted to the petitioner to cross-examine the respondent, however, burdening the petitioner with additional costs.

6. The learned counsel for the petitioner submits that the petitioner shall deposit further costs of Rs.25,000/- for the indulgence granted. The petitioner, who appears in person, undertakes to pay further costs of Rs.25,000/- to the respondent on the next date of hearing fixed by the learned Trial court.



2024:DHC:3591



7. Subject to the above condition and binding the petitioner to the statement so made, the petitioner is granted last and final opportunity to cross-examine the respondent before the learned Trial Court on the next date of hearing fixed by the learned Trial Court, which is stated to be 17.09.2024.

8. It is made clear that if, for any reason, the petitioner does not pay the additional costs, or does not appear before the learned Trial Court or does not cross-examine the respondent on the said date, the opportunity of the petitioner to cross-examine the respondent shall stand closed.

9. The costs deposited by the petitioner in terms of the Order dated 12.01.2024 be released by the Registry of this Court in favour of the respondent.

10. The learned Trial Court is requested to expedite the adjudication of the complaint case filed by the respondent and not grant any further unwarranted adjournments to either party.

11. The petition is disposed of in the above terms. The pending application also stands disposed of.

NAVIN CHAWLA, J

MAY 3, 2024/ns/ss

Click here to check corrigendum, if any