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

+ CRL.M.C. 898/2024 and CRL.M.A. 3601/2024

SH U.K JAIN & ANR.

..... Petitioner

Through: Mr. A Misha and Mr. Nidish Gupta,
Advs.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondent

Through: Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C.] the petitioners seek to assail the order dated 25.08.2023 passed by the learned MM (NI Act-04) (West), Tis Hazari Courts, Delhi in CT. Case No. 23775 of 2016, whereby the right to cross-examine the complainant was closed and cost of Rs.10,000/- had also been imposed.

2. Learned counsel for the petitioner states that in the Trial Court, notice under section 251 Cr.P.C. was framed on 01.06.2022 whereafter, the petitioners filed an application under Section 147 of the Negotiable Instrument Act, 1881 seeking compounding. The application was premised on the ground that the entire debt already stood discharged. The said application however, came to be dismissed on 01.04.2023. It is stated that besides the petitioners, there are other accused persons also and that complainant has already been cross-examined on behalf of the accused no.6.

3. Learned counsel for the petitioners states that the NBWs issued



against the petitioners were stayed as the counsel had noted the wrong date in his diary.

4. He further, on instructions, states that the petitioners undertake to appear before the Trial Court on the next date of hearing i.e., on 09.02.2024, and cross-examine the complainant. He prays that one opportunity may be granted for the said purpose.

5. The complainant/respondent no.2, who is present in person, states that he has no objection in case one opportunity is granted, however, the cost as imposed by the Trial Court be directed to be paid.

6. Considering the averments in the application, and no objection given by the complainant, the present petition is allowed and petitioners are granted one opportunity to cross-examine the complainant on the next date of hearing, subject to payment of further cost of Rs. 10,000/-.

7. The entire cost of Rs. 20,000/- be paid to the complainant on the next date of hearing.

8. The present petition stands disposed of.

9. The copy of this order be communicated to the concerned Trial Court.

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MANOJ KUMAR OHRI, J

FEBRUARY 7, 2024

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