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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1185/2023**
SH. VIRENDER KUMAR

..... Petitioner

Through: Mr.Gaurav Singh, Advocate.

versus

MR. INDER SINGH

..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
04.04.2024

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1. By way of present petition, the petitioner seeks to assail order dated 23.01.2023 passed by learned trial court in complaint case No.523486/2016 arising out of proceedings initiated under Section 138 NI Act.
2. Notice of this petition was issued to the respondent who has been served, however, there is no appearance today. Copy of the noting file would show that the respondent was served through speed post. The report of the Process Server dated 26.09.2023 is also placed on record as per which Inder Singh, the respondent herein has received the notice. A perusal of the proceedings would show that though the counsel for the respondent appeared on the last date of hearing, however, did not give his appearance.
3. Considering that the matter is pending consideration since more than one year, the Court has proceeded to hear the submissions with the assistance of learned counsel for the petitioner.
4. Learned counsel for the petitioner submits that the petitioner being



the complainant has sought to put the cheque in question to the accused during his appearance as DW1. He submits that the same was disallowed on 15.10.2022 on the ground that judicial file cannot be handed over to the petitioner. He submits that the petitioner has taken the certified copy of the judicial record. He submits that the application preferred under Section 311 Cr.P.C. also came to be dismissed by the impugned order.

5. Notably while issuing notice on 20.02.2023, this Court while noting the submissions of the petitioner directed stay of the proceedings before the learned trial court. This Court fails to understand as to how else the accused will be confronted with the original cheque. Considering that the petitioner seeks to only put to the concerned accused, the subject cheque in question, the petition is allowed. The trial court shall grant one opportunity to the petitioner and shall summon the respondent on one date on which date the petitioner will carry out the cross-examination. The counsel assures that no adjournment will be sought on the said date.

6. The petition stands disposed of.

7. A copy of the order be communicated to the concerned trial court.

MANOJ KUMAR OHRI, J

APRIL 4, 2024

VLD