



\$~23 to 29

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

+ CRL.M.C. 1554/2024 & CRL.M.A. 6074/2024

+ CRL.M.C. 2038/2024 & CRL.M.A. 7880/2024

+ CRL.M.C. 2045/2024 & CRL.M.A. 7902/2024

+ CRL.M.C. 2048/2024 & CRL.M.A. 7907/2024

+ CRL.M.C. 2049/2024 & CRL.M.A. 7909/2024

+ CRL.M.C. 2062/2024 & CRL.M.A. 7949/2024

+ CRL.M.C. 2107/2024 & CRL.M.A. 8195/2024

KAILASH SARAAF PVT. LTD & ORS.

.....Petitioners

Through: Mr. Attul Bhuchar, Mr. Sandeep
Kumar and Mr. Amit Sachdeva,
Advocates.

versus

MTC JEWELLERY

.....Respondent

Through: Mr. Sahil Garg Narwane, Mr. Dipesh
Singhal, Mr. Yadvinder Singh and
Mr. Honey Gola, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

21.08.2024

%

1. These petitions have been filed seeking quashing of the summoning orders passed in proceedings under Section 138 of the NI Act at the behest of the complaint of the respondent. All the petitioners have been arrayed as accused in the complaint dated 07th November, 2019 and proceedings are at the stage of recording of the statement of the accused under Section 313 Cr.P.C.



2. The limited grievance of the petitioners is that by order dated 10th August, 2023 their opportunity to cross-examine the complainant was closed. A perusal of the order of 10th August, 2023 would show that the plea was made by the counsel for the accused itself that they will cross-examine in the presence of the accused.
3. Counsel for the respondent/complainant informs that prior to that, on 27th May, 2023 and 14th July, 2023 applications for exemptions for presence of the accused were moved by the accused, and in fact NBWs have been issued on 27th May, 2023, besides a cost of Rs.2000/- imposed on each accused on 20th April, 2023 by the Trial Court.
4. There is no reason why the accused should be dilating the proceedings which have been pending since 2019. Notwithstanding, last and final opportunity shall be given to the counsel for the accused to cross-examine the Authorized Representative of the complainant/company, on the next date before the Trial Court. The presence of the accused will not be necessary and the counsel for the accused shall cross-examine on that date. The date fixed before the Trial Court is 29th August, 2024.
5. Accordingly, on that date, this cross-examination will take place, completed and duly recorded. Any delay by the accused shall invite costs, which may be which may be fixed by the Trial Court. A subsequent date may be fixed for recording of the statement of the accused under Section 313 Cr.P.C. Trial Court may proceed expeditiously thereafter.
6. Counsel for the petitioner contends that an application for clubbing together all complaints, is pending before the Trial Court. Without dilating and adjourning the proceedings for the recording the testimonies, the Trial Court may consider the same on its relative merits and after hearing the



submissions of the parties.

7. Counsel for the petitioner further states that an application for reducing the amount of surety for bail, which cumulatively amount to Rs.14 Lacs for the accused in all the matters, is already pending before the Trial Court. The same may also be considered.

8. These pending applications may be considered on expeditious basis, by the Trial Court.

9. Petitions are disposed of with the aforesaid directions. Pending applications, if any, are rendered infructuous.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 21, 2024/MK