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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2132/2024 & CRL.M.A. 8282/2024,
CRL.M.A. 8283/2024

JASVINDER SINGH

..... Petitioner

Through: Mr. D. S. Kohli and Mr.
Yash Kadyan, Advs.

versus

HARJEET SINGH

..... Respondent

Through: Mr. Sameer Dawar and
Mr. Harshit Vashisth,
Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.03.2024

1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**) read with Article 227 of the Constitution of India, seeking setting aside of the order dated 07.02.2024, passed by the learned Metropolitan Magistrate-04 (hereafter '**Trial Court**'), Negotiable Instruments Act (West), Tis Hazari Court, Delhi in Ct. Case 12517/2018 titled as *Harjeet Singh v. Gurmeet Kaur*.

2. The learned Trial Court, by the impugned order, had dismissed the application under Section 311 of the CrPC filed by the petitioner herein.

3. The learned counsel for the petitioner submits that on 18.10.2023, the learned counsel for the petitioner / accused was present in the learned Trial Court but due to inadvertence, had missed the matter when it was called.

4. The learned Trial Court, by the order dated 18.10.2023,

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had closed the right of the respondent / accused to cross-examine the respondent / complainant.

5. He submits that the learned counsel on the same date, that is, 18.10.2023, had appeared before the learned Trial Court at 12:45 p.m. and he was apprised about the order already passed,

6. He submits that he had filed the application under Section 311 of the CrPC on the same date before the learned Trial Court and the same was decided by the impugned order dated 07.02.2024.

7. The learned counsel for the respondent fairly submits that even though the petitioner has been delaying the proceedings and had taken five dates prior to 18.10.2023 when his right to cross-examine was finally closed, he would be satisfied if the respondent is adequately compensated and the petitioner undertakes not to delay the proceedings further.

8. The learned counsel for the petitioner, on instructions, submits that if the complainant is present on the next date of hearing, he would make all endeavours to finish the cross-examination on the same day itself and will not seek any unwarranted adjournment even on subsequent dates.

9. The learned counsel for the parties have informed that the matter is now listed before the learned Trial Court on 26.03.2024.

10. In view of the above, the impugned order and the order dated 18.10.2023 whereby the right to cross-examine the complaint was closed, are set aside, subject to the payment of a cost of ₹20,000/- by the petitioner to the respondent. The learned Trial Court is directed to take up the matter on 26.03.2024 for cross examination of the complainant.

11. The learned counsel for the respondent submits that on an

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earlier occasion, a cost of ₹ 2,000/- was also imposed on the petitioner but the same has not been paid.

12. The petitioner undertakes to pay the entire cost amount within a period of one week from today. The petitioner is bound down to the said undertaking.

13. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 15, 2024

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