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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3714/2023, CRL.M.A. 14048/2023**

SUSHANT KOHLI Petitioner
Through: Mr. Rishabh Gupta, Advocate.

versus

STATE GOVT OF NCT OF DELHI & ANR. Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
Mr. Deepak Vohra and Mr. Nishant
Gupta, Advocates for respondent
No.2.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
22.04.2024

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1. By way of present petition, filed under Section 482 Cr.P.C., the petitioner assails the order dated 05.04.2023 passed by learned Metropolitan Magistrate in C.C. No. 575/2021 whereby his application under Section 311 Cr.P.C. for recalling and cross-examining the complainant was dismissed.
2. Present proceedings arise out of the proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881 by respondent No.2/complainant against the present petitioner/accused. Petitioner is aggrieved by the fact that he was not allowed any effective opportunity to cross-examine the complainant. Petitioner has taken a stand that there was no underlying transaction between the parties and the complainant is, in fact, a stranger. In this regard, reference is made to the reply to the demand notice as well as defence taken at the stage of framing of notice under Section 251 Cr.P.C. Lastly, it is submitted that in case the petitioner is



allowed to cross-examine the complainant, the petitioner undertakes that he would not seek an adjournment on that day and will carry out the cross-examination on that day itself.

3. Mr. Vohra, learned counsel for respondent No.2 appears and submits that he has no objection to the prayer made in the present petition however, prays that only one opportunity be granted to the petitioner to conduct the said cross-examination.

4. Accordingly, in view of the averments made in the petition as well as no objection given by the learned counsel for the respondent, present petition is allowed and Ld. Trial Court is directed to summon the complainant for one day only on which day, the petitioner shall conduct the entire cross-examination.

5. Petition is disposed of in the above terms alongwith miscellaneous application.

6. Copy of the order be communicated to the Trial Court.

MANOJ KUMAR OHRI, J

APRIL 22, 2024

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