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

+ **CRL.M.C. 4824/2024**

ASHOK KUMAR GUPTA

.....Petitioner

Through: Mr. Anubhav, Mr. Arvind, Mr Pankaj
Sharma & Mr. Yashwant Singh
Yadav, Advs.

versus

MS AJAY METAL WORKS

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.07.2024**

CRL.M.A. 18305/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 4824/2024

1. This petition is filed for setting aside order dated 20th December 2022, passed by the Metropolitan Magistrate in CC No.1070/2021, in proceedings under Section 138 NI Act. By the impugned order, the District & Sessions Judge has dismissed the Revision Petition filed against order of the Metropolitan Magistrate dated 20th December 2022, on the basis that revision is not maintainable.
2. The Metropolitan Magistrate dismissed the application under Section 311 Cr.P.C. filed by petitioner-accused to lead evidence of the Manager, who is also son of accused and was conducting business at that time.



3. As rightly stated by the Metropolitan Magistrate, defence evidence was closed on 16th December 2022, and matter was fixed for final arguments. There is no reason as to why petitioner could not have produced his son as a witness while the evidence was being recorded. Plea for Section 311 Cr.P.C. for opening up evidence on this basis is frivolous and cannot be countenanced.

4. Accordingly, petition is dismissed.

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

ANISH DAYAL, J

JULY 9, 2024/sm