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

+ CRL.REV.P. 771/2024, CRL.M.A. 17953/2024

ARUN MATHUR

.....Petitioner

Through: Mr. J. P. Singh, Mr. Hemant Sharma,
Mr. Rajesh Kumar, Advs.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP.
Mr. Jitender Sharma, Adv. for R-2
(VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.07.2024

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1. The present petition has been filed under Section 397/401 r/w 482 Cr.P.C. on behalf of the petitioner/ applicant namely Arun Mathur S/o Sh. Satbir Singh Mathur R/o Panna Dheeraj Village Karala, Delhi against order dated 28.02.2024 passed by Ld. MM, NI Act, Rohini Courts Delhi in Compliant Case No. 6490/2018.
2. Learned counsel for the petitioner submits that an opportunity may be granted to the petitioner to cross-examine the complainant witness.
3. Learned counsel for respondent No.2 submits that, already sufficient opportunities have been granted and the respondent failed to cross-examine the complainant. It has been further submitted that the present application has also been moved at a much later stage.
4. Perusal of the record indicates that on 02.03.2019, the petitioner was



absent and Bailable Warrants were issued against him. Ld. Trial Court also granted last opportunity to the accused to cross-examine the complainant. On 14.05.2019 again accused was absent and bailable warrants were directed to be issued. The matter was thereafter taken on 11.09.2019, the accused appeared and the matter was adjourned for 03.02.2020 as the complainant was not present. On 03.02.2020 again the accused remained absent and an adjournment was sought as the counsel was not available. Ld. Trial Court recorded that the matter was at the stage of complainant evidence since 02.03.2019. Ld. Trial Court considering that sufficient opportunities have already been granted and therefore closed the right of the petitioner / accused to cross-examine the complainant witness. The matter was adjourned for 12.05.2020 for the statement of accused.

5. However, the petitioner moved the petition under Section 311 Cr.P.C. for recalling of the complainant for the purpose of cross-examination only on 28.02.2024.
6. Ld. Trial Court recorded that the application was filed after delay of 4 years without giving any sufficient grounds. Ld. Trial Court passed a reasoned order that there were no grounds for the recalling of the complainant for the purpose of cross-examination.
7. This court has also seen the application under Section 311 Cr.P.C. for the purpose of recalling of the complainant namely Pushpa Devi for cross-examination. In the application the only reason given was that due to COVID work of the courts were suspended and long dates were given. However, this contention on the face of it is not tenable. The right to cross-examine was closed vide order dated 03.02.2020.



However, the courts have started normal functioning since February 2022. But the present petition was moved only in the year 2024.

8. The revisional jurisdiction is very limited, the court can only interfere when there is legal infirmity or any inconsistency in the order of the Ld. Trial Court.
9. I do not find any illegality and infirmity in the order of the Ld. Trial Court.
10. Hence the present petition stands dismissed.

DINESH KUMAR SHARMA, J

JULY 22, 2024/AR..