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

+ **CRL.M.C. 6513/2023 and CRL.M.A. 24450/2023**

MANJU PRADHAN

..... Petitioner

Through: Ms.Usha Pandey and Mr.Vedant K.,
Advocates

versus

RAM BRIJ KUSHWAHA

..... Respondent

Through: Mr.Amit Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.01.2024

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1. By way of present petition filed under Section 482 Cr.P.C., petitioner seeks to assail the order dated 14.07.2022 & 22.06.2023 whereby petitioner's application under Section 311 Cr.P.C. was dismissed.

2. Briefly, the complainant had initiated proceedings under Section 138 of the Negotiable Instrument Act (hereafter, '*NI Act*') on account of dishonor of subject cheque. The petitioner preferred an application under Section 145(2) NI Act which came to be dismissed. Subsequently, two applications under Section 311 Cr.P.C. also came to be filed by the petitioner which were also dismissed. The petitioner preferred a petition being CRL.M.C. 5715/2023 challenging the dismissal of the later application under Section 311 Cr.P.C., which was dismissed as withdrawn on 11.08.2023, with liberty to the petitioner to file afresh to assail both the rejection orders.



3. After some arguments, learned counsel for the respondent fairly does not oppose the present petition. He however, submits that the complainant has suffered agony of prolonged trial for about 6 years and prays that some cost be imposed on the petitioner as the case is at the stage of final arguments.

4. Considering the aforesaid as well as the fact that in the present case there is no cross-examination on behalf of the petitioner and in view of the no objection given by the respondent, the present petition alongwith pending application is disposed of with a direction that subject to payment of cost of Rs.7,500/- to be paid by the petitioner to the complainant, the complainant be summoned for only one date, on which date, the petitioner undertakes to carry out the cross-examination.

5. It is made clear that the petitioner will ensure that her counsel is available and that cross-examination takes place on that date with no further opportunity.

6. A copy of this order be communicated to the concerned court for information and necessary compliance.

MANOJ KUMAR OHRI, J

JANUARY 24, 2024

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