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

+ **CRL.M.C. 4899/2024 & CRL.M.A. 18686/2024**

MRS JAYPREET KAUR SAWHNEY

..... Petitioner

Through Mr. Mohit Chaudhary, Mr. Kunal Sachdeva & Mr. Aashish Arya, Advocates.

versus

MS YASHIKA LEASING AND FINANCIAL SERVICE LTD

..... Respondent

Through Ms. Seema Singh & Mr. Nitin Dayal, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **01.07.2024**

CRL.M.A. 18687/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 4899/2024

3. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner/accused seeking to quash the Order dated 01.06.2024 *vide* which various e-mails, Ex.DW1/C-1 have been put to DW1 in the cross-examination on 26.10.2023.
4. It is submitted that the aforesaid e-mails have been produced on behalf of the complainant/respondent for the first time and, therefore, the petitioner/accused needs to further subject the complainant/respondent to the



cross-examination in respect of the aforesaid e-mails which have been produced.

5. It is further submitted on behalf of the petitioner that the petitioner has not been given an opportunity to address the oral arguments and an opportunity be given to raise all the objections in regard to the evidentiary values of the aforesaid documents that have been so produced in the cross-examination, aside from other arguments on merits.

6. Learned counsel for the respondent/complainant has opposed the present petition on the ground that the set of e-mails has been produced by the complainant/respondent at least on four occasions, but at times, the same have been claimed to be truncated e-mails by the petitioner/accused. Thereafter, the set of truncated e-mails has been placed on record by the petitioner/accused about which an Application under Section 340 of Code of Criminal Procedure, 1973 has been filed by the respondent/accused which is pending trial.

7. Learned counsel for the respondent/complainant submits that the present petition is nothing but an abuse of process of the Court and is liable to be rejected.

8. **Submissions heard.**

9. The ground on which further cross-examination of the complaint/respondent is sought by the petitioner is that some of these e-mails have been produced for the first time in the cross-examination of DW1 and also the entire bunch has been put by way of confrontation. There are no specific e-mails that have been put to the witness. These e-mails have been the basis for the trial since beginning. The issue is that both the parties are claiming that the truncated e-mails were being produced and the



complete trail of the same, was not produced. The evidence has already been recorded. Insofar as the admissibility of these e-mails are concerned, learned counsel for the petitioner is at liberty to raise all the objections in regard to the admissibility and proof of the documents, Ex. DW1/C1 so produced and confronted by the respondent in the cross-examination of DW1, including other evidence can be addressed in the final arguments at which stage, the case is pending. No further cross-examination of either witness is warranted in these circumstances.

10. Learned counsel for the petitioner submits that though the Written Submissions have already been filed on behalf of the petitioner in compliance of the Order dated 01.06.2024, it being a contentious matter, an opportunity be given to the petitioner to address the oral arguments.

11. Considering the submissions made, the present petition along with pending application is hereby dismissed with the directions that the learned Metropolitan Magistrate shall give an opportunity to the learned counsel for the petitioner to address the oral arguments as deemed appropriate.

12. It is, however, impressed upon both the parties not to drag the matter further and address the relevant arguments. It is also made clear that no adjournment on any ground to either party shall be given.

NEENA BANSAL KRISHNA, J

JULY 1, 2024

S.Sharma